

*The Affirmative Action Program  
of the  
University of Pennsylvania*



*February 17, 1976*

# OF RECORD



## TO THE UNIVERSITY COMMUNITY

I am happy to present to you the written document that sums up the many separate procedures comprising the University's affirmative action plan. Although the letter from the U.S. Department of Health, Education, and Welfare that accepts our plan is dated 10 February 1976, the procedures in this document were devised by our faculty and staff, by HEW's Office of Civil Rights, and by our own campus organizations that represent women and minority personnel, and have been followed by our academic and nonacademic administration since they were promulgated under a memorandum of understanding established with HEW on 21 November 1974.

In this document you will find certain numerical goals set up for increasing the number of women and members of minority groups on our faculty and staff. These numbers are not quotas that are to be met regardless of all other considerations but rather important numerical guides to help us measure our progress toward a more diversified staff. Indeed these very numbers help to demonstrate the progress we have already made in many areas, as well as helping us to identify those areas where we most need further progress.

We must bear in mind, however, that the heart of the document is its delineation of our policies and procedures so that all who are here now or who will join us in the future can have clearly set forth for the first time in one place the code that will govern fairness in our personnel practices. My colleagues Provost Eliot Stellar and Senior Vice-President for Management Paul Gaddis will share with me the primary responsibility for affirmative action at the University. Indeed all of us, the Trustees and the most junior administrators, are committed to this code as it is here presented in this document and to the continual measuring of our policies and procedures against it for their effect on the diversification of our staff by race and sex.

We seek that diversification for the sound educational reason that ours is a campus which enrolls the best students regardless of sex or race and which reaches out to encourage the enrollment of those who for various reasons might not know the University would welcome them. We can do no less in the selection of faculty and staff if we wish to have the best possible university staffed by the best possible persons working under the best possible conditions. Such a standard of fairness will help ensure that we will continue our tradition of superb teaching and scholarship into the last quarter of the century.

  
Martin Meyerson, President

## Almanac

Published weekly by the  
University of Pennsylvania

Supplement to Vol. 22 and No. 22

### THE UNIVERSITY OF PENNSYLVANIA AFFIRMATIVE ACTION PROGRAM

*The material contained here is the text submitted to the U.S. Department of Health, Education and Welfare in July, 1974, with figures added on pages 12 and 13 to update data on the presence of women and minorities, and with minor word changes elsewhere to reflect the implementation of programs that were then in the planning stages.*

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# General Principles:

## Affirmative Action in an Academic Setting

The University of Pennsylvania, like so many educational, governmental, and corporate institutions, has long maintained a policy against discrimination in the recruitment, appointment, promotion, and compensation of staff on grounds of race, color, sex, age, religion, or national origin. Such a policy is not only a moral and legal but also an educational imperative, fundamental to the effective functioning of an institution of teaching, scholarship, and public service.

At the same time, we are learning that nondiscrimination may no longer be a sufficient response. Underrepresentation of women or minorities in a particular role or profession, for example, may reflect far more the cumulative traditions and habits of a broad range of institutions than any conscious policies of exclusion or prejudice. The task before us is not to seek or assign blame, but to act positively—affirmatively—toward the elimination of all patterns of unequal treatment of women or minority groups. Our affirmative action policies are based on, but not limited to, Executive Orders 11246 and 11375 (including Revised Order #4), the sex discrimination guidelines, 41 CFR 60-20 through 60-20.6, the Pennsylvania Human Relations Act, and the Philadelphia Fair Employment Practice Act. They are dedicated to the full realization of equal opportunity for all and to the achievement of a university community which truly reflects the rich heterogeneity of our society.

This report is in two parts. The remainder of Part I summarizes some of the basic principles upon which the University's Affirmative Action Program, under the general direction of the Provost and the Vice-President for Management, has been developed. Part II summarizes the major components of the Affirmative Action Program which have been implemented to date. This report is based upon earlier drafts which have been shared with the University community, its deliberative bodies, and certain external agencies. It is hoped that this report, too, will elicit suggestions for further refinement and development.

### A Comprehensive Strategy

A comprehensive strategy for affirmative action must operate on at least five levels: (1) the candidate pool, (2) hiring, (3) promotion and retention, (4) compensation, and (5) personnel policies. Each of these levels, or components, of the affirmative action strategy is directed toward a different manifestation of discrimination or underrepresentation.

*The Candidate Pool.* One reason for the persistent underrepresentation of women and minorities in many of our institutions—even those most committed to principles of non-discrimination in hiring—is that the underrepresentation is already in evidence in the pool of candidates under consideration. For consideration of academic appointments, candidates are drawn either from graduate schools or other colleges and universities. For administrative appointments, candidates similarly tend to be drawn from university communities or from professions in which women and minority-group persons may not be strongly represented. The potential candidate pool may be nationwide—indeed, often worldwide—and occupancy of certain professorships and endowed chairs may be of such consequence to the faculty that a position goes unfilled for months or even years. Yet the serious candidate pools may be limited largely to suggestions received by members of the relevant academic or administrative departments or search committees from colleagues at a relatively small number of institutions.

Such a process of cooptation may, of course, perpetuate the backgrounds of those doing the searching. It is not a system likely to give substantial attention to promising candidates from lesser-known institutions or from nonacademic professions, to women scholars who have left academe, or to members of minority groups who have not yet entered the mainstream of mobile professors and administrators. *Equal opportunity, then—particularly for academic and administrative appointments—must begin with greater representation of women and minorities within the candidate pools.* This principle suggests the need to:

1. *Advertise appointments:* Notice of appointments should be posted or made otherwise conspicuous to both insiders and outsiders, with particular attention to hitherto untapped pools of minorities and women such as may be found in lower-level administrative positions, in social service organizations, among wives of faculty and staff, etc.; and

2. *Recruit for the candidate pool:* A history of underrepresentation of women and minorities does not mean that there is a large untapped reservoir of qualified women and minorities simply awaiting notice of the new job opportunities. For some positions, qualified women and members of minority groups may be hard to locate. Women in general are less mobile than men, and many may not be aware of career opportunities open to them. Thus a heterogeneous candidate pool will take some effort to compile, and an effective affirmative action strategy must expect to actively search for women and minority candidates.

## Hiring

It goes without saying that hiring must be based on merit without regard to race, sex, color, age, religion, or national origin. In fact, there can be no compromise with the principle of hiring by merit, especially in the case of faculty, if the standards of the University are to be maintained. At the same time, the criteria which define "merit" are often difficult to define—much less to quantify, sum, and compare among individuals. Our challenge is to maintain our allegiance to "merit" while critically examining the (expressed or implied) criteria by which individuals have been judged and the degree to which such criteria have made the maximum use of the skills and talents of women and members of minority groups. We can expect cases to arise when candidates may be judged of virtually equal merit on all but the most trivial criteria. *In such cases we believe it compatible with a fundamental allegiance to nondiscrimination and merit, yet responsive to the need to achieve full equality of opportunity, to avowedly favor women and minority-group members.*

At times, especially with regard to clerical, secretarial, and some administrative and professional positions, criteria for the determination of "merit" can be unintentionally discriminatory. Qualifications for such jobs have occasionally called for verbal skills, educational background, or job experience which have been excessive for the demands of the position. "Merit" in such instances can become a screening device, effective in weeding out applicants—usually the less educated—on the basis of attributes and values some of which may be quite irrelevant to the skills needed in performance of the task. *The criteria of merit, then, must be free from unintended biases which might select unfairly against women, minorities, or older persons.*

Allegations of "reverse discrimination" are often raised in the context of numerical goals for women and minority hiring. Those opposed to numerical goals often identify them as "quotas" and maintain that quotas will either: (a) force institutions into clear cases of reverse discrimination (i.e., hiring a woman or member of a minority group over a clearly more qualified Caucasian male), or (b) encourage institutions to set unrealistically low goals which can be easily met without generating any truly affirmative actions. Others, however—including the H.E.W. Office of Civil Rights and most recent legislative, executive, and judicial directives—maintain that numerical goals should be thought of only as a constant challenge and reminder to the institution and as a yardstick against which to measure progress.

The absence of targets, or goals, requires considerable faith on the part of women, minorities, and public and private "watchdog" agencies that a college or university will continue to strive to markedly increase its employment of women and minority-group persons. The willingness of institutions to set goals, on the other hand, requires faith on their part that the failure to reach these targets will not be abused or considered in isolation from the special circumstances of a given case. We believe that colleges and universities should set realistic but challenging goals for the elimination of all underrepresentation of women and minority-group members in all employment categories within a reasonable period of time. The principal determinant of "reasonableness" is the ratio of new hiring to the number of continuing personnel in the particular faculty or staff job category. Where this ratio is the lowest—in regular faculty positions—it is our hope that goals can be met within a five-year period. Setting such goals, however, is with the understanding that they may at times and for certain categories prove to be unattainable, but that, in accord with

Revised Order #4, the University's performance will be evaluated on the basis of procedure and effort rather than simple proximity to target.

## Promotion

Affirmative action in new hiring means very little if the same considerations are not applied to promotions. An aggregate staff census may at times show substantial representation of women and minority group persons, but fail to show those which may be concentrated at entry or near-entry level positions. *Policies and programs to move women and minority group persons up career ladders must be accorded at least as high a priority as those directed toward new hiring.*

Generally the policies and programs applicable to new hiring apply as well to promotions—e.g., advertising openings, recruiting from the ranks, and seeking a more heterogeneous candidate pool. Of particular importance, especially for support staff, are training programs to move women and minority group persons into middle and upper levels of management responsibility.

A significant new element affecting the promotion of assistant professors to the rank of associate professor with tenure is the virtual cessation of the growth in the overall size of the faculty, coupled with a reduction in retirements and resignations of senior faculty. As a result, promotions to tenure must be limited if the overall ratio of tenured to non-tenured faculty is to remain roughly constant (at about 2:1). Given these constraints, promotions to tenure will increasingly have to be based not simply upon the individual's competence as a scholar and teacher, however demonstrated, but with consideration to the future growth and the present ratio of senior to junior faculty in the department and school. *Thus, although we believe the promotion and even the direct appointment of women and members of minority groups into the senior faculty ranks to be of utmost importance to our affirmative action program, we must recognize that the number of promotions to tenure has declined sharply in recent years and may continue to decline or at best remain at a level considerably below the levels prevailing throughout most of the past decade.* This caveat is made not to despair of increasing the numbers of women and minority-group members in senior faculty ranks, but merely to emphasize the degree of the challenge and peculiarities of affirmative action goals in the faculty context.

## Compensation

At still another level, an affirmative action program must seek to avoid wage disparities based on sex or race. Systematic patterns of discrimination in compensation are most likely to occur in academic and higher level administrative positions in which positions are truly comparable but in which salaries are, to a greater or lesser degree, essentially "negotiated" between the incumbent and his or her superior. Higher salaries, in such a system, will be a reflection of the recognized qualifications of the individual and the supply and demand conditions of the market for his or her particular field. While the "test of the market" cannot be viewed as the sole criterion for the determination of salary (or promotion), the constraints of supply and demand cannot be ignored, and the institution must remain free to negotiate salaries. We reject the imposition of a fixed schedule of salaries through which all professional staff would move in strict accord with seniority and rank.



At the same time, market influences are truly efficient and equitable only where there exists a highly mobile and well-informed labor force aggressively seeking greater compensation and fully prepared to relocate if a better package can be obtained elsewhere. The individual who is relatively immobile (and without serious alternative job prospects in mind), often uninformed of the salaries of his or her colleagues, and generally not as aggressive in seeking "top dollar" wages will be at a distinct disadvantage in negotiations for salary and promotion. Unfortunately, these characteristics of market uncertainty are almost certainly more prevalent among women than among men. *Thus, while salaries should legitimately reflect the current supply and demand of individuals in a particular field and with a particular set of capabilities, salaries should generally not reflect differential negotiating strengths of individuals which stem primarily from sex or race related differentials in their job mobility.* Salaries, then, should generally be the same for individuals with the same qualifications carrying out the same task and bringing the same value to the institution to the extent that these comparabilities can be demonstrated.

### Personnel Policies

Finally, there are a number of personnel policies which bear directly or indirectly upon hiring, promotion, retention, and compensation, particularly of women. Since these are best discussed in the context of the University's own plan, we will simply cite below a number of these policies and the way in which they relate to affirmative action. For example, maternity leave is essential to encourage women to return to work soon after having a child if so desired. The elimination or relaxation of most nepotism restrictions can remove a potential barrier to women who may most want, and be most qualified, to work at the same institution as their husbands—or vice versa. More flexible provisions for part-time work could similarly assist women with families.

### Contracts with Suppliers

The components listed above are the ingredients of a strategy for increasing the representation and equal treatment of women and minorities on the academic support staffs. Another component of a comprehensive strategy is to bring pressure to bear upon other institutions or firms to meet standards of equal employment opportunity. Because a university is a large purchaser of all manner of goods and services, many from smaller local firms, it can apply considerable leverage upon those firms to adopt their own affirmative action plans.

### Academic and Supporting Staff

A conceptual framework for an affirmative action program according to the above components is particularly important when devising strategy to meet the needs peculiar to the various categories of college or university employees. Most institutions identify employees as "academic," "administrative," and "support," with the support staff often divided between secretarial/clerical and operative/laborer. For the purpose of formulating an affirmative action strategy, the following observations might be useful:

*Academic staff.* The academic staff is generally distinguished by:

1. Small, nonlocal candidate pools, traditionally containing relatively few women or minorities;
2. A powerful tradition of collegial decision-making on all matters affecting hiring and promotions;
3. The institution of tenure and the "up and out" policy which may lead the college or university to avoid even beginning a faculty member on the tenure track without a long-term budgetary commitment;
4. Criteria for promotion and compensation based on scholarship and teaching ability, with the former generally predominating.

*Administrative and Professional Staff.* These staff are characterized by:

1. More typically bureaucratic structures and processes for hiring and promotion;
2. Considerable mobility between top-level administrative positions and the academic staff; and
3. Considerable growth in recent years, together with an increasing "professionalization" of academic administration.

Mid- and top-level administrative positions may well represent the most fruitful area in the expansion of women and minority group persons. The candidate pools are generally more representative than are those for faculty positions. Particularly important is the need to look *inward* for minority persons and women who may simply have been left in mid- and lower-level positions. While new hiring is important, of course, an equal or greater challenge at this level for most institutions probably lies in effecting more equitable policies of promotion and compensation.

*Secretarial and Clerical Staff.* The secretarial and clerical staffs of most institutions are generally characterized by:

1. Predominantly female staffs;
2. A proportion of minority group members usually at least equal to the proportion within the surrounding communities;
3. In some institutions, many students and wives of students; and
4. Little organization as an employee group.

Hiring procedures may at times unconsciously discriminate against men and minority-group persons through job descriptions and formal qualifications. The major problem, however, is probably at the level of promotion. Affirmative action strategies for clerical and secretarial staff should focus on training and promotional policies and on drawing from the pool of top-level secretarial (e.g., office manager) staff to fill vacancies in administrative positions.

*Craftsmen, Operatives, Laborers, etc.* This employee category may be differentiated by:

1. Unionization;
2. Prescribed rules regarding compensation, seniority, and promotions; and
3. Large numbers of minorities and women in certain of the fields (e.g., dining services).

Unionization, where established, may be the most significant of these characteristics, requiring the affirmative action plan to work through established collective-bargaining machinery. The problem, again, lies principally in promotions and the tendency of minority-group persons to remain concentrated in entry-level positions.

### Grievance Procedure for Nonacademic Staff

Effective grievance machinery is an important component of an effective program of affirmative action. The basic assumption behind affirmative action is that past procedures for hiring, promotion, and compensation may not in themselves

be sufficient to realize the ultimate goal of equal opportunity for all. Therefore, grievances should be thought of not as a breakdown of the plan or as an irritation to be minimized or discouraged, but as one legitimate means by which institutional change for greater opportunity is to be brought about. In general, we believe that the best interest of an aggrieved individual as well as the institution will be better served if the grievances can be resolved internally rather than externally, and individually or collegially rather than judicially or quasi-judicially.

Grievances, however, are fundamentally conflicts which carry within them the potential for both constructive and destructive change. The purpose of grievance *machinery* is to control and direct the conflict so that individual redress and institutional change may take place without damage to the essential educational functioning of the institution. Grievance machinery requires, then, a delicate balancing of several potentially conflicting needs. One of these is to respect and preserve the prerogatives of the faculty in matters pertaining to the hiring and promotion of academic staff, but to recognize, at the same time, that certain procedures designed to assure compliance with affirmative action policies will have to be followed and monitored. A second need is to respect the tradition of collegial and decentralized decision-making while at the same time holding the president and chief administrative officers of the university ultimately responsible for effecting a significant institutional change. Finally, a grievance procedure must assure prompt due process for each grievance without swamping the institution in a sea of quasi-judicial, time-consuming litigation with enormous potential costs which simply cannot be borne today by most colleges and universities.

These considerations suggest a number of working principles for the grievance process:

1. Separate grievance mechanisms should be set up to deal with the academic staff and the support staff who are not covered under collective bargaining agreements.

2. Legitimate grievances are principally a reflection of imperfections in managerial and administrative policies and/or procedures. Therefore, the grievance mechanisms should be viewed as a device not simply to redress individual complaints, but to sensitize and educate management, and ultimately to change policies and procedures. For this reason the grievance mechanisms must, to the extent possible, work *through* normal supervisory and administrative channels. Department chairmen, supervisors, managers, and other administrative personnel must be challenged to redress grievances of individuals under their responsibility, and must, in turn, be held accountable to their administrative supervisors (e.g., directors, deans, vice presidents) for persisting difficulties. Grievance mechanisms, in other words, must attempt to change, not simply to bypass or supersede, imperfections in the system.

3. Quasi-judicial proceedings such as formal grievance panels or hearings should be held to a minimum and only then used as a last resort when established procedures have proven incapable of resolving a dispute. Such proceedings may draw upon analogies to courts of law, but are essentially collegial procedures for resolving disputes rather than legal procedures for the determination of guilt or damages and must be designed and evaluated accordingly.

4. In all cases, the chief executive officer of the University or his designee must have final authority. Although recommendations of grievance panels, affirmative action officers, and others will be the major bases for final arbitration and will not be lightly countervailed, the final authority on such matters as hiring, promotions, tenure, etc. cannot be left to a grievance panel or officer.

Primary responsibility for monitoring, servicing, and evaluating an affirmative action program should reside with a single University-wide affirmative action or equal employment officer. Policies and procedures in support of affirmative action, of course, ultimately remain the responsibility of the president, chief academic officer and deans with regard to faculty, and of the president, vice presidents, and senior personnel officer with regard to the nonacademic staff.

# The Affirmative Action Program of the University of Pennsylvania

The principles set forth in the preceding section constitute an effective affirmative action program only to the degree that they are promulgated in official policies and procedures. The Affirmative Action Program of the University of Pennsylvania, then, is best evidenced by the various documents of official University policy and procedure included as attachments to this report. This section will summarize the components of the University's program already promulgated, and report on the progress of those still in their formative stages. The Program itself will continue to undergo review, modification, and expansion in the months and years ahead—an evaluation which will be reflected in subsequent reports to the University community; the Department of Health, Education, and Welfare; and other interested agencies and individuals.

## I. Responsibility

Responsibility for the overall development, implementation, and monitoring of the affirmative action program rests with the Office of Equal Opportunity, consisting of James Robinson, Administrator, and Ms. Wai-Tse Yankowski, Statistical Analyst. Affirmative action policies are made and officially promulgated for the academic staff by the Provost, Dr. Eliot Stellar, and for the support staff by the Vice-President for Management, Paul Gaddis, and the Executive Director of Personnel Relations, Gerald Robinson. The development of the written plan, liaison to faculty and staff, and monitoring of the University's progress to date has been conducted through an informal but closely working team composed of the Administrator and the Associate Administrator of the Office of Equal Opportunity; the Provost and his Executive Assistant; the Vice-President for Management and his Executive Assistant; the Executive Director of Personnel Relations, and the Executive Assistant to the President.

The responsibilities of the Administrator of the Office of Equal Opportunity include, among others:

1. Overseeing the general development and effective functioning of the University's Affirmative Action Program. In this capacity, the administrator advises the senior academic and nonacademic officers, including the Provost, the vice-presidents, the Executive Director of Personnel Relations and others on the formation of policies and procedures; assists in the identification

of problem areas; meets with the deans, department chairmen, supervisors and other administrators regarding these policies, procedures and problems; and maintains close liaison with individuals and organizations within the University concerned with affirmative action and the University's overall program.

2. Designing and implementing audit and reporting systems to: (a) measure the effectiveness of the University's program, (b) indicate the need for remedial action, and (c) determine the degree to which the University's goals and objectives have been attained.

3. Maintaining cognizance of relevant laws and regulations; serving as the principal liaison to local, state and federal compliance agencies, and to external organizations and community groups concerned with equal opportunity; and keeping abreast of (and communicating to the University community) developments in equal opportunity elsewhere.

4. Reviewing A-1 hiring statements to ensure that minorities and women are given full opportunity for employment.

5. Servicing the grievance procedures.

6. Monitoring the utilization of minorities in University construction projects.

7. Assisting the Purchasing Department and the Construction Office in the identification of minority vendors, suppliers and contractors, and assuring that bidding opportunities within the University are available to them.

8. Auditing procedures to insure that posters are properly displayed, University facilities are available to all employees, and minority and female employees are given full opportunity and are encouraged to participate in all University-sponsored educational, training, recreational and social activities.

The Executive Director of Personnel Relations is responsible for the execution of all University personnel policies and procedures, including those directed wholly or partially toward the goal of equal opportunity.

It has been and will continue to be standard procedure to review various components of the affirmative action program with interested groups (e.g., Administrative Assembly, Black Faculty and Administrators, A-3 [Secretarial and Clerical] Assembly, the University Senate, and Women for Equal Opportunity at the University of Pennsylvania [WEOUP]). The Council of Academic Deans and the Academic Committee on Equal Opportunity, along with the University Senate, provide on-going advice and review on affirmative action policies dealing with the faculty. Major policy changes are reviewed by the University Council, the principal deliberative body of the University of Pennsylvania.



## II. Policies and Procedures for Nonacademic Personnel

Supporting the faculty of the University are over 4,000 "nonacademic" personnel. These are classified for payroll purposes as:

- A-1: Administrators, supervisors, and professional staff performing highly skilled or specialized work;
- A-3: Salaried staff performing secretarial, clerical, technical, or service work; and
- A-4: Hourly employees, including craftsmen, operators, technicians, laborers, and maintenance personnel—most of whom belong to one of the thirteen collective bargaining units.

For the purpose of preparing University summary data which may be used by the national and regional offices of H.E.W., the annual summary is organized according to the nine Federal EEO-1 Job Categories. Officials and Managers, and Professionals fall within various of the University's A-1 job categories. Technicians, Sales Workers, Office and Clerical jobs are among the A-3 positions. Craftsmen, Operatives, Laborers and Service Workers fit into the University's A-4 category.

### Recruiting and Hiring

The process of recruiting and hiring a new nonacademic (A-1, A-3, or A-4) person begins with the supervisor, senior administrator, or other hiring officer submitting a "Request for Employee Services" form to the Personnel Office. Requests for new positions are reviewed by the Senior Classification Review Committee so that proper classification and salary range is determined. Criteria for positions are determined by the hiring officer in consultation with the Personnel Department. For every position an attempt is made to ensure that each criterion is realistically related to the requirements of the position and does not eliminate from consideration members of minority groups or women. Salary levels or ranges are guided by practices prevailing in similar institutions as revealed in comparison studies such as the bi-annual report of Booz, Allen, Hamilton and Associates. Job classifications and salary ranges have been set up for all but statutory officers and the senior administrative officers.

Positions within the A-3 and A-4 categories are relatively standardized and draw primarily upon local candidate pools. For this reason, most of the recruiting and screening of candidates is done by the Personnel Office of the University, although the actual hiring is done by the head of the operating unit which initiated the "Request for Employee Services." All A-3 and A-4 positions are listed for at least three days in the

Personnel Announcements, on the official job posting boards located throughout the campus, and generally in the *Almañac*, the official journal of record of the University. Positions in the A-3 and A-4 job categories are also advertised off campus in newspapers and trade journals. In an effort to reach the broadest possible candidate pools, and especially to seek out minority candidates, the Personnel Office also uses employment agencies, the State Employment Service, and agencies such as the Veterans Administration, the Urban League, the Opportunities Industrialization Center, and the NAACP. The Personnel Office has also made general recruiting trips to local high schools and trade schools—many predominantly black. In addition, each job counselor within the personnel department maintains files on females and minority-group applicants who either applied when no positions were open or who were not hired for a specific opening. These files are continually consulted and the applicants notified if an appropriate opening develops.

The use of tests for screening candidates for A-3 and A-4 positions has been carefully and critically examined, and a number of tests have been dropped because of questionable predictive success and possible discriminatory impact. Currently, only a typing test (the same test as utilized by the federal government) for secretarial candidates and a vocabulary test for library employees are used. There are no failing or passing scores on these tests, and the results are used by job counselors only in combination with other criteria in advising hiring officers in the selection of employees.

Recruiting and hiring for administrative and professional (A-1) positions is considerably more decentralized, with advertising, preliminary screening, and final selection often done by the hiring unit rather than the Personnel Office, although women and minority group candidate files are maintained by the Personnel Office and called to the attention of the hiring units when positions become open. Because such administrative and professional recruiting and hiring is so critical to the affirmative action program, special policies and procedures have been instituted. The basic policy, promulgated by the Provost and the Vice-President for Management, declares that:

... it shall be the policy of the University in filling administrative and professional positions to give special consideration to women and minority persons when all other relevant considerations fail to provide a clear choice among the top candidates.

Besides the requirements of 7 days' posting and clearance of new positions by the Senior Classification Review Committee,



all appointments to A-1 positions are made only after receipt and approval of the A-1 Affirmative Action Compliance Form. (See Attachment 1: "Affirmative Action A-1 Hiring.") This form requires an accounting of the steps used in the search process; a summary of the numbers of candidates examined, including numbers of women and known members of minority groups; and the vitae of the best woman and best candidate known to be a minority-group member, together with a short rationale why neither of these was chosen. The Executive Director of Personnel Relations with assistance from the Administrator of the Office of Equal Opportunity is charged with monitoring and enforcing this procedure. Official policy declares that: "No personnel action is complete and no commitment is to be made to a candidate until notification by the Personnel Office that the Personnel Action Form and the Statement of Compliance have been approved."

### Promotions and Transfers

Integral to an affirmative action program are successful promotion and transfer procedures. There are strong candidates—including women and minority-group members—within the University for most positions sought. Stated University policy, then, is to encourage employees to seek promotions and hiring officers to seek candidates, when appropriate, from within. Employees may investigate opportunities in confidence with job counselors in the Personnel Department and, of course, have access to positions available through the job posting procedure.

In many cases, special training is a requisite for promotion or lateral transfer. The University Training Center, headed by a Training Director, operates classes during working hours for secretarial and clerical staff who wish to upgrade their skills. The staff of the Training Center is developing classes on University accounting and budgetary procedures, management techniques and a variety of other topics useful for any employee who wishes to advance. A medical secretarial training program was conducted in 1973-74 from which twelve minority group members were graduated. The Department of Buildings and Grounds conducts an apprenticeship program, approved by the Commonwealth of Pennsylvania and the U.S. Department of Labor, in trades such as plumbing, painting, sheetmetal carpentry, electrical repair, and air conditioning. The University Training Center has also participated in the JOBS '70 federally funded program to provide training in clerical and secretarial skills for disadvantaged persons. Forty-nine persons graduated from the program, and 36 are still employed on campus.

The Office of Personnel Relations has also taken the initiative in examining the job titles of female administrators for possible underclassification. Special attention was paid in the spring of 1974 to a review of the Business Administrator classification, which includes 56 employees and has four levels. Four of these positions held by females were reclassified to higher levels of Business Administrator. Five other female Business Administrators whose classifications were not raised were granted special adjustments to bring their salaries in line with those performing comparably in similar classifications. Further, 11 women were upgraded to Business Administrator from Administrative Assistant, through our normal reclassification process, in addition to the three mentioned below which resulted from special Classification Committee review.

The University's Nonexempt Classification Review Committee made a study in Fall 1973 to determine whether the

salaries of women in nonexempt positions were lower than those of men in similar positions for reasons of sex rather than merit or seniority. No such cases were found. However, the Committee examined the question of whether a number of females classified as Administrative Assistant might be performing duties comparable to those performed by males who are assigned to the higher classification of Business Administrator. The Committee, in conjunction with the Personnel Department, devised a questionnaire for employees classified as Administrative Assistants to complete, in order to clarify the job descriptions. The Committee selected fourteen positions to audit on the basis of sizable budget involvement and type of decisions being made about the budgets. As a result of supervisor-employee interviews conducted by the Committee audit team, justification was found to reclassify three of the 14 positions to Business Administrators.

### Personnel Policies

A number of personnel policies affecting both nonacademic and academic staff have been developed and/or revised as part of the University's Affirmative Action Program. The *nepotism policy* was revised in March 1971 to allow employment of two or more members of the same family even in the same department. The only limitations presently are the obvious ones: no member of the same family shall participate in the decision to employ, promote, reappoint or terminate the employment of a member of his or her family; and no individual should be in a position to pass on any vital matter, including salary determination, affecting a member of his or her family. (Incorporated in Attachment 6.)

The *maternity leave policy* has also been greatly strengthened in order to allow and encourage women to continue to work at the University of Pennsylvania after having children. (See Attachment 2: "Maternity Leave.") The revised policy generally treats pregnancy and childbirth like any other temporary medical leave, with full eligibility to draw on current and accrued sick leave and vacation time. In addition, women who have completed six months of service before a medical leave for pregnancy and childbirth may take a personal leave for up to five additional months for child care.

In addition, policy has been promulgated with regard to employment of the disabled, and an affirmative action program in behalf of the handicapped was implemented in the fall of 1974.

### Salary Equalization

A review of the comparability of men's and women's salaries in nonacademic positions was begun in the spring of 1973. The A-1 Classification Review Committee (administrative and A-1 professional job categories) and A-3 Classification Review Committee (secretarial, clerical and technical) were asked by the Executive Director of Personnel Relations to examine both the job titles and salaries of men and women to determine whether there were possible inequities not justified by such criteria as responsibility, seniority, and the like. Although the data base was not then adequate for a complete analysis, both committees made preliminary reports indicating a need to examine female administrative salaries on a case-by-case basis. Each dean, vice-president, and director was asked to conduct such an examination in the preparation of budgets for the 1974 and the 1975 fiscal years and to make salary

equalization a top priority. (See Attachment 3: March 23, 1974, Memorandum from the Provost and the Vice-President for Management, "Salary Adjustment Guidelines for Faculty [A-2] and Staff [A-1].")

Because of the urgency of administrative salary equalization and the difficulties encountered in a decentralized review of salaries and titles, a fund equal to approximately 0.5 percent of the 1973-74 A-1 salary base was set aside for equalization purposes in the 1974-75 budget year, to be administered by the Office of Personnel Relations. (See Attachment 4: June 4, 1974, Joint Memorandum from the Provost and the Vice-President for Management, "Revised Salary Adjustment Guidelines for Staff [A-1].") As of July 1974, 57 equalization adjustments totalling \$47,618 had been made, and the Personnel Office has continued to review and adjust female and minority salaries in later budgets.

In addition, a complete job reclassification and salary adjustment for women on the maintenance staff (A-4) was completed during the 1973-74 budget year.

Further salary equalization for nonacademic personnel may be shown to be necessary after the more sophisticated utilization and salary analysis presently in process and scheduled for completion in the fall of 1974.

### **Grievance Procedure**

A grievance procedure for all nonfaculty staff who are not members of a collective bargaining unit was instituted in the spring of 1973. (See Attachment 5: "Grievance Mechanism for Nonacademic Staff.") This procedure was adopted after substantial input on earlier drafts from many members and bodies of the University community, including Women for Equal Opportunity at the University of Pennsylvania and various employee organizations. The grievance procedure conforms to the principles set forth in Section I of this report, including emphasis on working through the normal management channels. The procedure calls for a Complaint Appeals Panel as a final arbiter which shall recommend disposition of the complaint to the Provost (when complaints arise within academic units) or the Vice-President for Management (for cases within nonacademic units). The grievance procedure has been evaluated as prescribed and some revisions made.

### **Additional Affirmative Action Support Programs**

The affirmative action effort of an institution can be enhanced by the existence of certain support programs which are aimed at increasing services available for minority and female members of the institution.

A *Women's Center* has been established, staffed, and provided with office and meeting space. The Center will provide programs and services for all women members of the University community which will complement and expand on those already in existence. One initial action undertaken was the development of a multi-function program to aid victims of assault.

A *Child Care Center* has been established as part of a Day Care Professional Training Program being conducted at the School of Social Work. The Center can take care of approximately 40 children. It is expected that the day care professionals graduated from this training program will be able to work in, and even establish, day care centers in the local community which, hopefully, will serve to increase the number of women in our local labor market.

### **Affirmative Action Through Contracts and Purchasing**

*Construction.* The Executive Board of the Trustees of the University of Pennsylvania passed a resolution at its November 13, 1970, meeting which states that the University will adhere to the Federal Philadelphia Plan in construction contracts for all work over \$500,000.

*Vendors and Suppliers.* On the reverse side of all University purchase orders is a general statement regarding the seller's responsibility for compliance with the nondiscrimination clause of Executive Order 11246 as amended by 11375. The Purchasing Department, with the assistance of the Office of Equal Opportunity, will make an intensive effort to identify minority businesses capable of supplying some of the University's needs. In addition, the University is cooperating with the City of Philadelphia in requiring an affirmative action plan of vendors and suppliers with 25 or more employees. Documentation of these policies and procedures has been submitted in previous reports to the H.E.W. Regional Office of Civil Rights and to the University community.

### III. Policies and Procedures for Academic Personnel

The University of Pennsylvania as of October 30, 1973, had 1721 full-time faculty, categorized for the purpose of affirmative action reporting as: professor, associate professor, assistant professor, other generally tenure-accruing ranks, (e.g., associates, instructors), and nontenure-accruing ranks (e.g., lecturers, investigators). A breakdown of full-time faculty by rank, sex and minority-group status is published annually. (See pages 12-13.)

#### **Academic Policy for Affirmative Action**

Affirmative action policies for the academic staff are promulgated by the Provost. The Provost is assisted by an Academic Committee on Equal Opportunity, chosen by the Provost and the President from a list submitted by the Faculty Senate Advisory Committee. The Committee is currently composed of eight faculty members, and began meeting in February 1973. Its mission is to advise the Provost on policies and procedures and to monitor and report upon their success. The Committee had a particularly instrumental role in helping to develop the faculty affirmative action compliance procedures.

Also serving the Provost in both an advisory and an executive capacity is the Council of Academic Deans. University policies and procedures must recognize that schools differ in type of faculty, organization of faculty, and in general progress toward meeting the goals of affirmative action. Furthermore, policies and procedures must recognize that nearly all hiring and promotion decisions are made at the levels of schools and departments. It follows, then, that there can be no truly effective affirmative action for faculty without the commitment of the deans and their department chairmen. In recognition of this, a number of sessions have been spent with the deans on affirmative action, the responsibilities of deans, and various procedures for helping deans and their school personnel committees to meet affirmative action policies and goals. These will continue.

The University's principal deliberative body is the University Council, which takes cognizance of all matters of fundamental University policy. On June 22, 1971, the Council passed a resolution which has since formed the basis for an academic affirmative action program. The resolution reads:

... That the Council reaffirm existing University policy that in all appointments, reappointments and promotion decisions the best candidate should be chosen or promoted and that the same scholarly and professional standards shall be applied to men and women. Because of the present inequitable ratios of men to women on the faculty, particularly at the higher ranks, it is further resolved that when it is not possible to make a clear choice between a man and a woman

on the basis of qualifications, special consideration shall, at this juncture, be given in favor of the woman. This policy is to be reviewed annually.

The resolution was passed at a session of Council devoted to receiving the Cohn Committee Report on the Status of Women at the University of Pennsylvania. In accord with the spirit of that resolution, the principle was broadened by the Provost to include favoring minority persons as well as women where the top candidates are equally qualified. (See Attachment 6: Provost's memorandum of February 2, 1972, "Recruitment and Appointment of Faculty Members in Accordance with Equal Opportunity Policies.") The basic policy and its extension to members of minority groups as well as women was reaffirmed by the Council by formal resolution on March 21, 1973: "That the present policies [i.e., with respect to hiring as summarized above], which are based on the spirit of the Cohn Report as extended to cover minority groups as well as women, be endorsed by the Council."

#### **Recruiting and Hiring**

Fully affiliated faculty positions are expected to be filled only after a thorough search for available women and minority-group candidates. Departments have also been instructed "... to retain written records of data obtained concerning candidates considered, and of all applications and supplementary material received from applicants, whether successful or unsuccessful, for five years after a position has been filled." (See Attachment 6.)

In the spring of 1974, a new procedure was implemented to provide encouragement, direction, and more effective monitoring of affirmative action policies with regard to faculty hiring. Beginning with the 1974-75 academic year, all recommendations to the Provost and President for regular faculty appointments will be accompanied by a "Statement of Compliance" form, designed with the advice and assistance of the academic deans and the Academic Committee on Equal Opportunity. Although procedures and compliance forms differ slightly among schools, the general format requires recommendations for regular faculty appointments to be accompanied by information on: (a) the proportions of women and minority group members in the appropriate candidate pools; (b) a description of the search process and special efforts to broaden the candidate pools; (c) a report on the numbers of serious candidates and the numbers of women and minority group members among them; and (d) if a woman or minority person is not selected, the vitae of the best woman and minority person considered for the position. The department is also required along with each recommendation for appointment to review and state the composition of the full-time faculty of



the department (i.e., total men, total women, minority men and minority women among tenured faculty, those in probationary status and full-time lecturers.) The chairman of the department (where departments exist), the chairman of the School Personnel Committee, the School Affirmative Action Officer (where appointed), and the Dean of the School are required to certify compliance with policies and procedures before confirmation of an appointment. (See Attachment 7: "Faculty of Arts and Sciences Statement of Compliance with University of Pennsylvania Equal Opportunity Program: New Appointments to Fully-Affiliated Positions" [a model statement].)

### Programs for Minority Faculty

The University Development Commission, an eighteen-member task force charged with recommending directions for the University of Pennsylvania in the next decade, placed considerable emphasis on establishing a viable "black presence" at the University. The Report of the Development Commission, issued in January, 1973, indicated a number of assumptions shared by the Provost, the President, and other members of the administration:

1. Of paramount importance to a black presence at the University is a major increase in the number of black faculty.
2. New appointments of black faculty should be made in the regular fashion by departments and schools (albeit expedited at times by the Minority Recruiting Officer and a shared sense of urgency).
3. The need for additional black faculty is so critical that special resources should be devoted to the task—and can be so devoted without jeopardy to our principles of "merit" and "academic excellence."

The Development Commission recommended a fund:

... established under the Office of the Provost to whom the academic officer in charge of recruiting will report. Candidates may be identified by the department or may be brought to the attention of the department by the officer in charge of recruiting. In the event that a department wishes to hire a black candidate but is unable to pay for the position, the fund will provide up to one-half of the cost of the faculty salary for a maximum period of six years. The department will follow normal procedures in deciding whether it wishes to make an offer to the candidate. If special recruiting funds are used to cover part of the salary, the department should assume full fiscal responsibility for the position as soon as funds become available through faculty retirements, departures, or normal increments in departmental budgets.

This recommendation was implemented in the 1973-74 academic year through a priority claim on academic development funds for the purpose of minority faculty hiring. (See Attachment 8: Provost's memorandum of December 20, 1973: "Use of Redevelopment Fund for Special Minority Faculty Appointments.") To encourage and assist schools and departments in the recruitment of minority faculty and to recommend use of special redevelopment funds, a minority recruiting officer (a regular member of the faculty) was named and a Faculty Advisory Committee assembled. (See Attachment 9: "Minority Recruitment.")

### Promotions

The academic deans have been directed (Attachment 6: Provost's memorandum of February 2, 1972, "Recruitment and Appointment of Faculty Members in Accordance with Equal Opportunity Policies") to implement the following pro-

posals relating to promotions, based on the 1971 Cohn Committee Report on the Status of Women:

Each Department should make generally available in written form its own specific criteria for promotion if such exist. Such criteria would supplement but not supersede University standards. Copies should be filed with the offices of the Deans and Provost. Each Department should re-examine promptly the status of women already in the Department to determine whether or not deserved promotion has been overlooked.

Procedures to strengthen and regularize promotion policies generally, including those directed toward maximizing the promotion of women and minority group faculty from junior to senior ranks, continue under study by the Office of the Provost, the Academic Committee on Equal Opportunity, and the Council of Academic Deans. Any such procedures must be considered against the backdrop of the caveat mentioned in the preceding section: namely, that promotions to tenure are going to become increasingly scarce and may at times be based as much or more on the capacity of a particular department to increase its proportion of tenured faculty as on the merits of the individual who must either be promoted to tenure or given a one-year terminal contract.

### Salary Equalization

Preliminary analyses of available data on fully affiliated professorial salaries by rank, sex, race, and department showed most females to be at or very close to an appropriate average. While this analysis suggested no *pattern* of salary discrimination by sex or (even more clearly) by race, a more thorough analysis with additional variables was conducted in the fall of 1974. Deans have been instructed at the beginning of the past four budget years to examine each female faculty member and compare her salary with those of others to assure equal pay for equal merit and experience—and to make restitution of any inequities the highest priority claim upon available salary funds. (See Attachment 3: Joint memorandum from the Provost and the Vice-President for Management, "Salary Adjustment Guidelines for Faculty [A-2] and Staff [A-1].") To assist deans and department chairmen in this exercise, the Office of the Provost conducted (summer and fall of 1974) a case-by-case review of each woman faculty member whose salary appeared lower than was readily explainable by the information on hand (e.g., rank, experience, academic reputation). Any differentials which could not otherwise be accounted for and might thus have been affected in part by sex was eliminated retroactive to the beginning of the fiscal year.

### Grievance Procedure for Academic Staff

Faculty have well-established procedures for dealing with certain kinds of grievances through the school and University Committees on Academic Freedom. However, a need has been recognized for other grievance procedures which are faster, more flexible, and more sensitive to allegations of discrimination or unfairness on account of race or sex. During the 1973-74 academic year, the Faculty Affairs Committee of the University Council and the Committee on the Faculty of the University Senate developed a faculty grievance procedure responsive to the requirements of the University's Affirmative Action Program as well as to other potential grievance areas not sufficiently served by existing informal mechanisms or by the academic freedom and responsibility committees. This procedure was approved by the Faculty Senate on April 13, 1974 and by the University Council on May 8, 1974, and began operation in the 1974-75 academic year. (See Attachment 10: "Faculty Grievance Procedure.")



## IV. Utilization Analyses, Goals and Timetables

### Utilization, Goals and Timetables for Faculty

The utilization of women and minority-group faculty has been analyzed by examining the numbers and proportions of women and minority-group faculty by status (e.g., part-time or full-time), rank (e.g., professor, associate professor, assistant professor, other tenure-accruing, and nontenure-accruing), department, and school. These reports have been made available to the H.E.W. Regional Office of Civil Rights and to the University community generally. The proportions of women and minority-group faculty were then compared with the best available information on their presence within the appropriate national candidate pools in order to identify areas of underutilization.

For the analysis of faculty utilization and the establishment of goals, we have used the smallest and most homogeneous units for which there are still sufficient numbers of probable new appointments over the next few years to enable positive, challenging, and reasonably attainable goals. Therefore, for most of the professional schools—Law, Engineering, Education, Annenberg (Communications), Nursing, Social Work, Allied Medical Professions, and Wharton Management (less the social sciences)—the school itself is the smallest appropriate unit. The Schools of Medicine, Dental Medicine, and Veterinary Medicine are each divided into “clinical” and “basic science” divisions. The Faculty of Arts and Sciences has been divided for the purposes of utilization analysis and goal-setting into the physical sciences, the social and life sciences, the humanities, the social sciences formerly within the Wharton School, and the departments formerly within the Graduate School of Arts and Sciences.

In early reports of the University's Affirmative Action Program, goals were set for *new appointments* of women and minority-group faculty according to estimates of the total number of new appointments for each academic unit for the next three years under the assumption that these vacancies would be filled on an essentially nondiscriminatory basis, although with some preference for women and minorities. The goal for each academic unit was set by multiplying the anticipated number of new appointments (over the next three years) by the proportion of women and minority-group degree-holders in the appropriate fields of disciplines and rounding or revising upward to yield affirmative goals.\*

However, although such a method is in accord with basic principles both of affirmative action and of merit hiring, the degree to which the proportions of women and minority-group faculty within the various academic units approach the proportions of women and minority degree-holders (i.e., the presumed “candidate pools”) becomes in large part a function of the rates of growth and turnover in the academic unit and of the rates of resignation and nonreappointment of women and minority faculty in that unit. Goals set on the basis of

projected new appointments only fail to take account of possible existing underutilization.

Therefore, upon request of the H.E.W. Regional Office of Civil Rights, we have revised our method of goal-setting by now multiplying the proportions of women and minority group members in the candidate pools not by anticipated numbers of new appointments but by the total numbers of faculty within the academic units. This technique yields the numbers of women and minorities which might be expected under “full utilization” if the candidate-pool assumptions are valid. The difference, if any, between the “expected” and the actual numbers of women and minorities for any academic unit is a rough measure of “underutilization,” and thus becomes the goal. These goals are now expressed as the *net* increases in women and minority faculty required to bring the unit up to “full utilization.” The actual numbers of new appointments (i.e., the *gross* increases) needed to reach a goal now become a function in part of the success of an academic unit in retaining its women and minority faculty.

The revised goals for women, projected on a three- to five-year timetable, are shown in Table 1. The process by which these goals were set—indeed, the very meaning of “goals”—differs greatly from the method and assumptions underlying previously submitted goals and timetables, making comparisons difficult. Under the previous method, for example, goals were set even for schools in which no “underutilization” was demonstrated. In the revised method, the schools of engineering, education, fine arts, social work, law, dental medicine, veterinary medicine, allied medical professions, and nursing, currently show no underutilization of women, and thus by present definition, yield no goals. Nevertheless, we wish to reiterate our expectations for new appointments of women in these schools over the next three years as projected in earlier goals.\* Because the revised goals are expressed in terms of *net increases*, however, and are designed in all cases to completely eradicate “underutilization,” the revision presents a substantial effective increase over past goals for women faculty.

Although we have analyzed the utilization of faculty within all minority groups, goals for minorities have been set with black faculty primarily in mind. We believe there is no present underutilization of Oriental faculty, who are found in very significant numbers in the life sciences, physical sciences, and fine arts. “Spanish-surnamed” is an elusive category to analyze; there are faculty of Spanish or South American descent, but few if any of Puerto Rican or Mexican-American. Furthermore, the numbers of prospective faculty of Puerto Rican, Mexican-American, or native American descent, while not well known, appear to be so very small that arithmetic calculations of “underutilization” and “goals” would be quite meaningless. Therefore, while we continue to emphasize attention to *all* minority groups and encourage the prospect of appointments of native Americans and Spanish-surnamed, our minority goals are based on data for black faculty and upon the assumption that our efforts in minority recruitment and hiring will be focused primarily upon black candidates.

\* (See “Affirmative Action Goals and Timetables” from the Report on the University of Pennsylvania Affirmative Action Program, *Almanac* October 9, 1973.)

**TABLE 1**  
Utilization and Goals for Women Faculty  
3-5 years (Fall 1973 Data)  
(Fully Affiliated Tenured or Tenure-accruing Ranks Only)

Unit	Total Faculty	% Women Avail. in Disciplines	No. Expected	No. Present	Goal (Net Increases)
FAS	(497)	—	(60)	(40)	(20)
Phys. Sci.	108	4.7	5	2	3
Soc. & Life Sci.	62	15.6	10	7	3
Humanities	17.7	28	21	21	7
Former GSAS Depts.	70	12.0%	8	4	4
Former Wharton	97	9.7	9	6	3
Wharton (Mgt.)	121	5.8	7	5	2
Medicine	(522)	—	(66)	(59)	(7)
Basic Sci.	148	13.8	20	17	3
Clin. Studies	374	12.2	46	42	4
Engineering	86	0.4	0	1	0
Grad Education	38	19.8	8	7	1
Grad Fine Arts	35	7.1½	3	4	0
Social Work	28	36.3	10	11	0
Law	27	4.7	1.3	2	0
Annenberg	10	15.9%	2	1	1
Dental	85	2.1	2	15	0
Veterinary	103	7.4	8	10	0
SAMP	15	(NA)	—	10	—
Nursing	46	97.0	45	43	2

**Table 1 (Revised)**  
(Fall 1975 Data)

Unit	Total Faculty	% Avail. in Disciplines	No. Expected	Present No. Women	Goal (Net) Increases	Net Gain Toward Goal Over Past Two Years
FAS	500	12.1*	60	47	13	7
Wharton (Mgt.)	132	5.8	8	5	3	(1)
Medicine	645	12.6*	82	72	10	(3)
Engineering	81	0.4	—	2	0	0
Grad. Education	27	19.8	5	2	3	(2)
Grad. Fine Arts	36	7.1	3	4	0	0
Social Work	26	36.3	9	11	0	0
Law	27	4.7	1.3	1	0	0
Annenbert	9	15.9	1	1	0	0
Dental	92	2.1	2	16	0	0
Veterinary	101	7.4	8	12	0	0
SAMP	16	(NA)	—	13	0	0
Nursing	43	97.0	42	41	1	1

1. GSAS availability estimated for "all disciplines" since individual counts for these disciplines are not available.
2. GSFA recalculated on basis of art, architecture, city planning and landscape architecture.
3. Annenberg calculated on basis of speech and dramatic arts.

\*Weighted average of subjects used in 1973 breakdown.

Revised goals for minority faculty are shown in Table 2. Availability data for minorities with advanced degrees is still very difficult to obtain. In 1967-68 it was estimated that less than 1 percent of the holders of doctoral degrees were black; now there are indications that current graduate student enrollments in various disciplines are on the order of 2-6% black. The percentage of black degree-holders has perhaps risen to as much as 2% of the total, without regard to variation among the disciplines. Therefore, we have set goals of not less than 2% black faculty in all schools, and significantly higher goals in several professional schools. In the Faculty of Arts and Sciences, we have adopted the higher goal in each case in which a range was previously proposed. In addition, we have increased by one each the goals in Social and Life Sciences, in the Graduate School of Education, in the former Wharton social science departments now within Arts and Sciences, and in Wharton Management. As with the goals for women, we have defined each goal as a *net* increase in black faculty over the next three to five years. The goals for the Faculty of Arts and Sciences, for instance, will bring the black faculty representation to 2.5% by the end of the three- to five-year timetable.

In fact, the University of Pennsylvania aspires to a performance even better than these goals suggest. We recognize the extraordinary difficulty in substantially increasing the overall proportions of women and minority group members in an era of little or no faculty growth. We expect, however, that some departments will be able to appoint women and minority-group members in excess of the "availability" suggested by the data. We hope that an easing of the severe budgetary constraints we are currently experiencing can allow a modest growth in faculty size which should, in turn, greatly expand our faculty affirmative-action capacity. We also expect some of the women and minority-group appointments to be at the senior faculty ranks, where their visibility and impact on

the rest of the University can be greatest. We expect, finally, that our appointments of women and minority-group teachers can be of such superior quality that most can be retained and promoted to tenured ranks in spite of the severe constraints on the University's capacity to add to its tenured ranks. All of these are proper and widely held aspirations—yet ones which are not easily reflected in a table of numerical goals and timetables. We believe, however, that they comple-

**TABLE 2**  
Utilization and Goals for Black Faculty  
3-5 Years (Fall 1975 Data)\*  
Fully Affiliated Tenured or Tenured-Accruing Ranks Only

	Total Faculty	No.** Black Faculty Expected	No. Black Faculty Present	Goal Net Increases
Arts & Sciences	500	10	6	4
Wharton	132	3	2	1
Medicine	675	13	10	3
Engineering	81	2	0	2
Grad. Sch. of Education	21	0	0	0
Grad. Sch. of Fine Arts	36	1	1	0
Social Work	26	0	6	0
Law	27	0	1	0
Annenbert	9	0	0	0
Dental	92	2	3	0
Veterinary	101	2	0	2
SAMP	16	0	0	0
Nursing	43	1	1	0

\* Figures for 1973 are not available in useful form. Tables submitted at that time showed Black and other minority faculty combined.

\*\* See text, left, for method of calculating number expected.

ment and strengthen the commitment of the University of Pennsylvania to increasing the numbers of women and minorities within our faculty ranks.

### Utilization, Goals and Timetables for Nonacademic Personnel

Analyses of the utilization of women and minority-group members in the administrative and professional positions is much more difficult due to the great number of, and substantial differences among, administrative positions, and also to the almost total absence of validated candidate-pool information for such posts. However, an analysis of the utilization of women and minority-group members in administrative and professional ranks in April and again in December of 1973 led to the following summary observations:

1. More women and minority utilization in senior administrator categories in the central administration is probably the most urgent need within the nonacademic area.
2. Wharton, the Law School and the School of Social Work added women and minorities in the senior administrator and A-1 professional job categories.
3. Underutilization of minorities and women in the senior administrator, administrator and A-1 professional job categories was suggested by analysis of data for the Medical School, the Vice-President for Business and Finance area, the Vice-President for Development area, the Vice-President for Facilities Management area, the Assistant Vice-President for Information Systems area, and the libraries.
4. Auxiliary Services, Allied Medical Professions, Annenberg School, Graduate School of Education, Engineering, Fine Arts, Dental and Veterinary Medicine are areas where little or no new hiring took place.

The greatest need in the eleven A-3 secretarial/clerical job categories is to increase the mobility of minority-group women into the senior classifications and the more advanced job categories. Examination is also being made of job opportunities for males within these traditionally female job categories.

The A-4 technician/tradesman/service worker job categories are mostly unionized, and affirmative action programs have been pursued in conjunction with union contracts and the requirements of federal and state agencies overseeing apprenticeship programs, contracts, etc. An Affirmative Action Plan for the Department of Buildings and Grounds, for example, has been submitted to the Pennsylvania Apprenticeship and Training Council of the Commonwealth of Pennsylvania Department of Labor and Industry, and this and other materials have been submitted to the H.E.W. Regional Office along

with previous University Affirmative Action Program reports. The principal thrust of affirmative action efforts to date in the skilled trades has been upon increasing the number of minority-group persons. We recognize, however, that women have also been excluded from many trades and that they may require a quite different strategy for affirmative action.

Because even the best aggregations of administrative and staff positions include such a range of responsibilities and because the candidate pool information is so arbitrary, we continue to use the method of goal-setting for nonacademic personnel which we have used in past reports. The organizational units for the initial utilization analyses and goal-setting were either the schools, major administrative departments or divisions, or aggregations of smaller administrative offices. For each unit, the appropriate dean, vice-president or director was asked to approve a recommended set of goals for the next three years. These goals were determined by a review of turnover experience during the preceding three years, the utilization analysis within each unit, and availability data provided by various governmental agencies and by various associations. Three-year goals for nonacademic personnel by job category and reporting unit are shown in Attachment 11; yearly goals aggregated by job category are shown in Table 3 below. These goals are revised yearly on the basis of new utilization and applicant flow analyses (see next section).

\*See footnote, page 14.

**TABLE 3**  
Goals and Timetables for Nonacademic Personnel

Job Category	1973-1974		1974-1975		1975-1976		Total	
	M	W	M	W	M	W	M	W
Sr. Administrator	2	3	2	4	3	4	7	11
Administrator	5	1	5	1	5	2	15	4
A1 Professional	5	4	6	4	6	5	17	13
A3 Professional	3	0	3	0	3	0	9	0
A3 Technical	0	1	1	1	1	1	2	3
Miscellaneous Tech.	0	0	0	0	0	0	0	0
Secretary	8	0	8	0	9	0	25	0
Secretary/Admin.	11	0	11	0	11	0	33	0
Clerk	1	0	2	0	2	0	5	0
Bookkeeper	0	0	1	0	1	0	2	0
A3 Skilled Trade	0	0	0	0	1	0	1	0
A3 Service Worker	0	0	0	0	0	0	0	0
A4 Technical	0	0	0	0	0	0	0	0
A4 Skilled Trade	0	0	0	0	0	0	0	0
A4 Service Worker	0	0	0	0	0	0	0	0
Other	0	0	0	0	0	0	0	0
Totals	35	9	39	10	42	12	116	31

## V. Internal Audit and Hiring Analyses

The need for, and subsequent evaluation of, affirmative action procedures require extensive and up-to-date information on applicant flow, hiring, promotion, and termination of women and minority group members. Statistical analyses are the responsibility of the Assistant Vice-President for Management Information Systems. Special procedures for the collection of input data and for reporting and analysis of affirmative action procedures have been developed by the Assistant Vice-President for Management Information Systems and his staff with the help of the Administrator and the Statistical Analyst of the Office of Equal Opportunity, the Executive Director of Personnel Relations, and other members of the University's affirmative action team.

Information for analysis is presently generated from existing personnel records, which do not carry racial identification, plus a separate, confidential tape of employees by employee identification number and group (Black, American Indian, Oriental, Spanish-surnamed, and other). Extensive data from existing information and retrieval systems were submitted to the Regional Office of the Department of Health, Education and Welfare in December, 1973, and were made available for examination by the University community. The personnel records which formed the basis for past analyses, however, did not contain the necessary information for applicant flow, promotion, demotion, and termination studies to determine whether race or sex was a factor in such personnel actions.



All personnel records and management information are presently being revised to provide such analyses. Audits will be conducted and reported for faculty once a year in the fall and for nonacademic personnel three times a year, in October, January and May.

### **Applicant Flows and Hiring Analyses**

The University has now installed a card system for recording information on applicants for nonacademic positions who apply through the Personnel Office. Applicants note their age, sex, race or ethnic group, and the position being applied for; neither names nor other means of individual identification are recorded. The cards are to be punched and analyzed monthly, showing the age, sex, and racial or ethnic composition of applicants for particular kinds of positions, although not for specific job vacancies. This new system should, in time, be able to suggest weaknesses (or special strengths) in recruiting or advertising for nonacademic positions as well as the race and sex compositions of various candidate pools. Such information, of course, will be incorporated within subsequent reports on the University's affirmative action efforts, problems, and progress.

Applicant flows for faculty positions are recorded on the "statement of compliance" form which accompanies every recommendation to the President and Provost for regular faculty appointment (see Attachment 7: "Faculty of Arts and Sciences Statement of Compliance with University of Pennsylvania Equal Opportunity Program: New Appointments to Fully-Affiliated Positions"). This information is analyzed once a year and summary reports provided to the school's and departments.

Applicant flow information for faculty and staff positions will, of course, be compared with the candidate-pool assumptions underlying hiring goals in order to suggest periodic revisions of those goals and/or the recruiting procedures and other affirmative action programs then in use.

### **Promotion, Transfer, Demotion and Termination Analyses**

Useful analyses of promotions, transfers, demotions, and terminations by sex and race have been impossible until now because clear definitions for such actions have not been devised and records of such actions not systematically kept (It is difficult, for example, to classify the resignation of a faculty member who leaves prior to a virtually certain "terminal reappointment," or of a staff member who obtains a transfer in lieu of a demotion.) However, a system for codifying terminations has been devised and is now in operation, and systems for codifying and recording transfers, promotions, and demotions are being devised and should be in operation by fall, 1974. A first promotion-transfer-demotion analysis for affirmative action purposes will be produced by November 30, 1974, covering the period May 1, 1974 through October 30, 1974, and subsequent reports (which will allow time series and period analyses) will be scrutinized for any possible relationship between personnel actions and sex or minority-group status. The data will be reviewed by the Office of Equal Opportunity, the Office of the Provost, the Office of the Vice President for Management, and the Executive Director for Personnel Relations. Analyses with identification of problem areas will be reviewed with deans, directors, and other administrators on a regular basis.

If it is found in any of these analyses that a specific problem exists, the policies and procedures affecting promotion, transfer, and demotion will be studied for possible corrective action. If a problem should be identified in a particular school or department, notice of that specific problem will be brought to the attention of the dean, department chairman, vice president or director, and corrective action prescribed. A written report of the problem and the prescribed corrective action with a timetable for initiation (on or before December 15, 1974) and completion of such action will be sent to the H.E.W. Regional Office of Civil Rights by January 1, 1975 and will also be included within subsequent reports on the University's affirmative action program.

### **Dissemination of Affirmative Action Policies and Programs**

The University will disseminate information on the affirmative action program within and outside of the University. Means of internal dissemination will include the following:

1. Affirmative Action Progress Reports will be maintained by the Office of Equal Opportunity and the Academic Committee on Equal Opportunity.
2. A regularly released affirmative action report will be brought to the attention of the University community through *Almanac* and other University publications.
3. Periodic briefing sessions will be held with persons involved in supervisory capacities for the purpose of reviewing current employment problems affecting minority groups and women.
4. A University personnel policy and procedure manual will be developed and maintained for the use of supervisors.
5. Equal Employment Opportunity posters and other pertinent government-sponsored posters will be placed in areas of the University where employees and applicants are likely to see them.
6. The University's Equal Employment Opportunity statement will also be posted on permanent bulletin boards throughout the University.

Means of external dissemination will include:

1. All recruitment sources and advertising sources will be informed of the University's nondiscrimination policy.
2. Included in all advertisements and personnel manuals will be the wording "The University of Pennsylvania is an Equal Opportunity Employer."
3. The University's commitment to its affirmative action plan will be conveyed to organizations, community agencies, community leaders, secondary schools, junior colleges, churches and social groups in the Philadelphia area and to all persons, groups and organizations using University facilities.
4. Meetings will be held with unions representing University employees for the purpose of stating the University's policy of affirmative action in employment.

### **ATTACHMENTS 1 THROUGH 10**

*On pages 15 through 24 appear the exact texts of policy statements and implementing memoranda as issued in support of the Affirmative Action Program. In some cases the personnel indicated have now been succeeded by others, but the policies and procedures remain as written. Attachment 11, referred to on page 12, was a census published in *Almanac* October 9, 1973; it will be updated in a future issue.*



## OF RECORD



## AFFIRMATIVE ACTION: A-1 HIRING

Following is the text of the joint memorandum issued by Provost Curtis R. Reitz and Vice President Paul O. Gaddis, October 10, 1972, to all Vice Presidents, Deans, Directors and Administrative Officers.

The University is committed to hiring, promotion, and compensation of employees without regard to sex, race, minority group, or other attributes, and to devise new policies which will in time eliminate all existing patterns of under-representation or discrimination.

Fundamental to a program of affirmative action is a search process for qualified candidates among women and minority groups. In order to document more completely the extent of the search process, the following procedures will be followed for all administrative and professional staff appointments to existing or newly created positions (paid predominantly from A-1 funds) except those filled through consultative committee process.

1. Notices of vacancies, whether new positions or occurring as a result of a termination, must be filed with a "Request for Employee Services" form in the Personnel Office. A brief job description must accompany each such notice. A request for a new position will be referred to the Senior Classification Review Committee. Requests to fill existing positions will be evaluated by the Personnel Office. No further processing can take place until these reviews have been completed. Hiring Officers will be notified of the review results.

2. All vacancies must be advertised internally by the Personnel Office for at least 7 days before they may be filled. During this period, the director, supervisor, or other officer responsible for the hiring and the Personnel Office will make every effort to reach a broad candidate pool in which women and members of minority groups are represented. Particular effort will be directed toward potential candidates in senior A-3 or lower-level administrative and professional positions.

3. All Personnel Action Forms will be accompanied by a "Statement of Compliance," a copy of which is attached. *No personnel action is complete and no commitment is to be made to a candidate until notification by the Personnel Office that the Personnel Action Form and the Statement of Compliance have been approved.*

4. The Executive Director of Personnel Relations or a designee has the responsibility of approving compliance forms. The Executive Director may call upon the advice of the Office of Equal Opportunity. Disapproval must be communicated to the administrator responsible for the request for personnel action within 4 working days of receipt of the necessary papers. Disapproval at this level requires an additional period of active recruitment during which time special efforts will be made to find qualified women and minority group candidates. At the end of this period, a recommendation for appointment will be approved unless again deferred by action of the appropriate Vice President acting upon recommendations from the Executive Director of Personnel Relations and the Administrator of the Office of Equal Opportunity.

5. All positions must be offered to the candidate best meeting the qualifications specifically relevant to that job. Following the principle of the Resolution passed by the University Council on June 22, 1971, and the Provost

Memorandum of September 15, 1971, it shall be the policy of the University in filling administrative and professional positions to give special consideration to women and minority persons when all other relevant considerations fail to provide a basis for clear choice among the top candidates.

(THIS IS A FACSIMILE OF THE FORM WHICH WILL BE USED. FORMS WILL BE AVAILABLE IN THE PERSONNEL OFFICE.)

## Statement of Compliance With

University of Pennsylvania

## Affirmative Action Program:

## Administrative and Professional Appointments

To: Executive Director of Personnel Relations

Re: Selection of ..... (Name of Candidate)

as ..... (Job Title) in the Department of

..... effective ..... (Date)

A. The Request for Employee Services form was sent to Personnel on ..... (Date) (must be at least 5 working days prior to date on the form)

A.1 Search for applicants included (check where appropriate and give examples):

☐ Personnel Department referrals

☐ Advertising in the following media: .....

☐ Solicitation of names from other departments at Penn

☐ Solicitation of names from the following other Universities: .....

☐ Solicitation of names from the following governmental, community and/or professional organizations: .....

☐ Other means, such as: .....

A.2 The candidate selected came to attention via what means? .....

B. The candidate pool:

B.1 Approximately how many applications/resumes were received for consideration for this position? .....

B.2 To your knowledge, how many of these were received from women? .....

B.3 To your knowledge, how many were received from members of a minority group? .....

B.4 Attach the resume of the best woman candidate.

B.5 Attach the resume of the best candidate known to be a member of a minority group.

C. Include below any comments on your candidate selection, such as reasons why top woman and/or minority group candidates were not chosen.

D. Signed .....

....., (Title) .....(Date)

## ATTACHMENT 2

ALMANAC September 25, 1973

### OF RECORD



### MATERNITY LEAVE

*Following is the text of the University's current policy on Maternity Leave. The text differs slightly from that published December 5, 1972.*

The inability of a woman to carry out normal duties due to or contributed to by pregnancy or childbirth, including miscarriage or abortion, will be treated as a temporary medical leave and will entitle the employee, staff or faculty member to all sick leave benefits currently in force for the individual, including the right to draw on accrued sick leave\* and vacation time. A prolonged absence due to medical reasons attached to pregnancy or childbirth may also be treated as a temporary disability for those eligible for temporary disability payments.

Personnel who have completed six months of service before taking a medical leave for childbirth will also be entitled to personal leave without pay or benefits for up to five months following the termination of the allowable period of sick leave with full pay. In the case of faculty, this personal leave shall be arranged in consultation with the Dean to conform as much as possible to the academic calendar. Payments for group life and medical insurance premiums which would normally be deducted from salary during this period must be paid quarterly in advance to maintain continuous coverage during the leave period.

There will be no accrual of sick leave, vacation or retirement credits during this period of leave without pay; nor, in the case of faculty, shall this period be counted as part of the probationary period toward the awarding of tenure.

In the case of an employee or staff member, if her position cannot be left vacant or filled on a temporary basis during the period of leave without pay, the position may be filled with the understanding that she may return to a position of equivalent status elsewhere in the University at the conclusion of the maternity leave.

\*Sick leave for faculty/staff has been considered as 30 work days per year/non-accruable; temporary disability is considered 'extended leave' under the provisions of the LTD plan and will require a physician's certificate of disability (temporarily unable to perform her job duties).

## ATTACHMENT 3

### UNIVERSITY OF PENNSYLVANIA JOINT MEMORANDUM

To: Vice-Presidents, Deans and Directors  
From: Eliot Stellar, Provost  
Paul O. Gaddis, Vice-President for Management  
Subject: Salary Adjustment Guidelines for Faculty (A-2) and Staff (A-1)  
Date: May 23, 1974

This memorandum is issued to insure that uniform salary adjustment guidelines for faculty (A-2) and staff (A-1) are adhered to throughout the University. It is in accord with, and further clarifies, Provost's Memorandum #6-74 dated May 17, 1974, which was sent to all Academic Deans.

Each school and division will have available for 1974-1975 salary adjustments for faculty (A-2) and staff (A-1) an amount equal to 7.5% of total continuing salaries for the year ending June 30, 1974. The guidelines for salary adjustments require that emphasis be placed first on affirmative action equalization adjustments, and then on an across-the-board increase of 4.25%. The remaining amount, in most cases 3.25%, should be made available for promotion and merit increases. If, however, equalization increases require a significant fraction of the total funds available, the across-the-board and merit components may have to be proportionally reduced.

#### 1. Equalization Adjustment

First priority for salary adjustment must be the elimination of any existing salary inequities. While all salaries should of course be considered, we have particular obligation under the University's Affirmative Action Plan to eliminate any inequities which might possibly be due to sex or race. We have attempted in the past to eliminate such inequities but a recent analysis still shows significant differences in salaries for male and female faculty and staff. Although much of the apparent difference vanishes when salaries are controlled for department, rank and time-in-rank, significant differences remain in some areas. These differences must either be eliminated or fully justified on considerations of individual merit or experience.

Salaries of minority and female faculty and staff must be individually examined and compared with those of male and non-minority faculty and staff of comparable rank and experience. Please prepare a list of all female and minority faculty and staff by department or division, and indicate for each the appropriate comparisons made (that is, male and non-minority faculty and staff of comparable rank and experience), the differences found, and the adjustments proposed. If the proposed adjustments do not fully eliminate the differences, include a brief statement of the justification for the remaining difference in each case. For assistance in evaluating particular salary situations please contact the Office of Salary Administration, Ext. 8688. Faculty lists should be submitted to the Executive Assistant to the Provost; staff lists should be submitted to the Executive Director of Personnel Relations. *These lists should be submitted as soon as possible but not later than Wednesday, June 5 [1974].*

After the proposed salary adjustments throughout the University have been reported, another salary analysis will be conducted. If inexplicable differences remain, still further adjustments will be required. Any such adjustments found to be necessary must be fully corrected in the 1974-75 salary level, even if a substantial fraction of the funds available to the school, division or department for salary adjustments is required. Obviously, faculty and staff receiving equalization adjustments must also receive appropriate cost-of-living and merit adjustments.

We cannot overemphasize the importance of careful consideration of the issue by each senior budget administrator. Failure to eliminate inequities

## OF RECORD



which cannot be justified on the basis of merit or experience will leave the University vulnerable to substantial claims for back pay in the future. Ideally, average salaries of male and female, minority and non-minority faculty and staff should not vary beyond statistically predictable limits.

### 2. Cost-of-Living Adjustment

Unfortunately, the actual increase in cost-of-living has far exceeded our ability to compensate for it in across-the-board adjustments.

The guideline provides an across-the-board cost-of-living adjustment of 4.25%. While this is not to be considered an absolute minimum, exceptions should be rare and clearly justified. Justification for any recommended salary adjustment which fall below the 4.25% level should be sent to the Executive Assistant to the Provost in the case of faculty, and the Executive Director of Personnel Relations in the case of staff.

### 3. Promotion and Merit Adjustments

The remaining funds may be used for promotion and merit adjustments.

### 4. Teaching Fellows

The minimum salary level for full-time teaching fellows (defined by the O'Kane Committee as six contact hours within a 15-hour week) will be \$3,150.

## ATTACHMENT 4

### UNIVERSITY OF PENNSYLVANIA JOINT MEMORANDUM

To: Indirect Cost Centers Administrators  
From: Eliot Stellar, Provost  
Paul O. Gaddis, Vice-President for Management  
Subject: Revised Salary Adjustment Guidelines for Staff (A-1)  
Date: June 4, 1974

We have further reviewed the funding actions necessary to make affirmative action equalization adjustments for A-1 staff in the indirect cost centers. Our equalization effort will require an amount equal to about 0.5% of total continuing salaries for the year ending June 30, 1974, in these centers. We have decided that the establishment of an Equalization Contingency Fund of this size administered through the University Personnel Office is the best means to accomplish the necessary adjustments.

Each indirect cost center will now have an amount equal to 7.0% of total continuing 1973-74 A-1 staff salaries to make regular salary adjustments for A-1 staff for 1974-75. The guidelines for salary adjustment still require that an across-the-board increase of 4.25% be made, while 2.75% now remains available for promotion and merit increases.

Gerald Robinson, Executive Director of Personnel Relations, has conducted an analysis of equalization needs and will be responsible for allocating the Equalization Contingency Fund. Administrators should confer with him as soon as possible to obtain the specific information they will need to develop their salary adjustments.

Salaries which require equalization will be brought in line with actual 1973-74 levels. After equalization has been effected, salaries for all staff in the indirect cost centers, including those equalized, should be established in accord with the 1974-75 guidelines stated above. Administrators should be certain not to count equalization adjustments as part of salary adjustments for 1974-75.

We realize that time is very short to accomplish the budgetary actions necessary and that this may be a hardship for some of you, but we ask for your cooperation in these matters.

### GRIEVANCE MECHANISM FOR ALL NONACADEMIC STAFF NOT COVERED BY COLLECTIVE BARGAINING AGREEMENTS

*The following is the grievance procedure for all nonacademic staff of the University of Pennsylvania not covered by collective bargaining agreements. It is to be effective immediately and will be subject to review after one year.*

*In revising the grievance procedure to its present form, many suggestions from the University community were seriously considered and some were incorporated in changes which should be noted. First, and perhaps most important, is the broadened scope of the policy. Whereas it originally covered only complaints regarding equal opportunity principles, the policy now is designed to cover a broader range of grievances. Second, a clause has been added to protect the employee making the complaint which states that he or she shall not have any change of position or working conditions imposed pending a decision of the grievance. Finally, to ensure campus-wide representation on the list of candidates to serve on the Complaint Appeal Panel, the Vice President for Management will consult with a wide range of campus groups such as the Administrative Assembly, A-3 Assembly, Black Faculty and Administrators, Women for Equal Opportunity at the University of Pennsylvania, Librarians Assembly, and the Grammateis Organization.*

*There was some concern expressed about the complexity of the grievance procedure and the length of time involved in getting a grievance resolved. The key factor to be noted here is that the entire procedure will be monitored and coordinated by the Office of Equal Opportunity. The Equal Opportunity representative will have the responsibility to see that the complaint review moves as quickly and smoothly as possible through the designated management channels.*

*Finally, an effective grievance procedure must achieve two aims. It must provide an efficient and equitable mechanism to hear and resolve individual allegations of unfair treatment in personnel matters such as compensation, promotions, work assignments, and the like. It must also serve to sensitize management to those issues, especially regarding sex and race bias, which can be expected to underlie many individual grievances, and to effect fundamental changes in management policies and procedures which are discriminatory or otherwise unfair to employees.*

*Any grievance procedure which explicitly bypasses normal managerial responsibility and accountability cannot possibly achieve this second aim. Only by requiring supervisors to account to their supervisors for unresolved employee grievances can managerial problems be fully revealed and changes made.*

*It is hoped that this new procedure will meet the needs of all University employees and provide them with the means necessary to ensure equitable settlement of their grievances.*

ELIOT STELLAR, Provost  
PAUL GADDIS, Vice President for Management

ATTACHMENT CONTINUED



## GRIEVANCE MECHANISM FOR NONACADEMIC STAFF

There are several means by which employee grievances may be resolved. The first and most preferable is through some sort of informal process. Certain members of the University community are well equipped to facilitate informal discussions of employment difficulties among other matters. However, there will be a few cases which cannot be resolved on an informal basis. A formal grievance procedure has therefore been established to be utilized in these instances. It is a mechanism for securing a resolution as quickly as possible that will be equitable to both the employee and the University. The following procedure is applicable for all types of grievances and for all University employees except teaching staff and those covered by collective bargaining agreements:

1. *Informal review.* It is expected that employees' grievances will first be discussed with their supervisors. The Office of the Ombudsman, the Equal Opportunity Office, and the Personnel Office, among others, are well equipped to facilitate such discussions.
2. *Formal complaint.* If informal processes prove insufficient to resolve the grievance, the complainant may request the Office of Equal Opportunity to initiate a formal review. This review is initiated by a *Complaint Summary* submitted to the Personnel Office by the Office of Equal Opportunity. The Complaint Summary shall include the following:
  - (a) a summary of the complaint;
  - (b) a summary of the steps taken to resolve the matter through discussion with the employee's immediate supervisor and any other informal mechanisms pursued;
  - (c) a summary of any factual information deemed by the Administrator of the Office of Equal Opportunity to be appropriate and necessary to further consideration of the issue.

Pending a decision in any such matter, the employee involved will not have any change in position or working conditions unless such a change is mutually agreed upon by the employee and the Personnel Office.

### *Complaint Summary Preparation*

The Administrator of the Office of Equal Opportunity will prepare the Complaint Summary in consultation with the complainant and his or her immediate supervisor, both of whom will attest to the accuracy and sufficiency of the Complaint Summary by affixing their signatures to the summary and three copies. The Complaint Summary shall be forwarded by the Administrator of the Office of Equal Opportunity and to the Executive Director of Personnel Relations; signed copies shall be retained by the complainant, the immediate supervisor, and by the Office of Equal Opportunity.

3. *Formal review.* The Executive Director of Personnel Relations or his designee shall attempt to resolve the grievance through consultation with the complainant and all relevant administrative officers, up through administrative channels to include the appropriate Senior Administrative Officer who shall be either the Dean of a school, the Vice President for Business and Financial Affairs, the Vice President for Development and Public Relations or the Vice President for Facilities Management and Construction. The President, the Provost, the Vice President for Management, and the Vice President for Health Affairs shall be considered the Senior Administrative Officers for their respective immediate office staffs. The Vice President for Management shall be considered the Senior Administrative Officer of any unit not clearly covered by the Senior Administrative Officers listed above. The Executive Director of Personnel Relations shall determine the appropriate Senior Administrative Officer.

Within a maximum of 15 working days after receipt of the Complaint Summary, the Executive Director of Personnel Relations, with the concurrence of the appropriate Sen-

ior Administrative Officer, shall report back to the Office of Equal Opportunity either that the grievance has been resolved to the satisfaction of the parties concerned or that a special Complaint Appeals Panel has been formed according to procedure #4, below. The letter or memorandum to this effect shall be signed by the Executive Director of Personnel Relations and the appropriate Senior Administrative Officer, and copies shall be sent to the complainant and the immediate supervisor. All efforts shall be made by all relevant parties to resolve the grievance at this level.

4. *The Complaint Appeals Panel.* If a grievance cannot be otherwise satisfactorily resolved, the Executive Director of Personnel Relations will submit a written request to the Office of Equal Opportunity for the establishment of a Complaint Appeals Panel. The panel will be composed of three employees of the University who hold non-temporary positions. One member shall be named by the appropriate Senior Administrative Officer; one by the complainant; and one by the first two from among a list compiled and maintained by the Vice President for Management. To ensure campus-wide representation on the list, the Vice President for Management will consult with campus groups and receive their recommendations. The list will at all times contain at least 10 persons who have agreed to serve in this capacity.

The Administrator of the Office of Equal Opportunity or a designee from that office will serve as secretary to the Complaint Appeals Panel. The Secretary shall arrange the time and place of meeting, secure documents and other supporting materials, arrange for tape recording of oral testimony, and otherwise facilitate the work of the panel.

The Complaint Appeals Panel will receive testimony from the complainant and from the complainant's immediate supervisor or from any other administrator designated by the appropriate Senior Administrative Officer, as well as from other witnesses requested by the Panel. All oral testimony will be tape recorded. All written submissions will be included in the record. Either side may be represented by legal counsel at its own expense.

5. *Recommendations of the Complaint Appeals Panel.* Upon conclusion of its inquiry, the Panel will submit to the Administrator of the Office of Equal Opportunity its written findings of fact and recommendations, together with any minority views from the panel. The Administrator of the Office of Equal Opportunity will then forward all documents to the Provost or to the Vice President for Management (as determined by the Executive Director of Personnel Relations in the event of questions) within not more than 10 working days of receipt of the Panel's findings and recommendations. The Provost or the Vice President for Management will act on the recommendation within 5 working days, and will in writing so inform the Administrator of the Office of Equal Opportunity, who will in turn inform all other relevant parties, including the complainant, the immediate supervisor, the Senior Administrative Officer, the Executive Director of Personnel Relations, and the members of the Panel.

The nature of the complaint will determine the nature of the solution available to the Panel. For example, the failure to promote or appoint the complainant to a position subsequently filled by another person will normally lead to a recommendation that the complainant be appointed or promoted to the next equivalent and appropriate position as stipulated by the Panel. On the other hand, Panel findings on dismissal or non-renewal of contract, denial of promotion, job classification or general working conditions should lead to a recommendation to the Provost or Vice President for management for immediate redress.

6. This policy is to be made effective immediately, subject to review at the end of one year.



## ATTACHMENT 6

### UNIVERSITY OF PENNSYLVANIA PROVOST'S MEMORANDUM #7-72

To: Academic Deans and Academic Vice-Presidents  
From: Curtis R. Reitz, Provost and Vice-President  
Date: February 2, 1972  
Subject: Recruitment and Appointment of Faculty Members in Accordance with Equal Opportunity Policies

This Memorandum concerns the University's program of equal opportunity and non-discrimination in procedures for recruitment and appointment of faculty members. It derives in part from the set of proposals concerning this and other matters circulated for comments and suggestions on September 15, 1971. Additional memoranda on related subjects will follow.

The University Council, in October, 1971, adopted a resolution as follows:

That the Council advise the President to take cognizance of the data contained in the Cohn Committee Report on the Status of Women Faculty in the University and to note the conclusions presented relating to discrimination against women on this campus. Be it further resolved that the President take every step possible, as soon as possible, to remove discrimination against women on this campus.

This Memorandum is intended, in part, to carry out that advice. A copy of the Cohn Committee Report is attached to this Memorandum.

The University Council will shortly receive a report of the McGill Committee on Appointment and Promotion Policies. That committee has reviewed the September 15 proposals.

1. *Faculty Recruiting Practices.* There should be affirmative and continuing interchange between Departments, Schools and the University in the development of improved recruiting practices for employing faculty personnel.

a. *Department.* The primary goal of any Department should be to seek the best faculty member it can attract. This can be accomplished only if the pool of candidates considered contains all persons qualified. To the extent that any significant group or groups are not considered, or are not considered fully, the goal of excellence cannot be assured. Therefore, each Department should strive to be fully knowledgeable of the entire pool. Experience indicates that particular attention should be directed to the number and percentage of women and minority group members in the candidate pool. Are there data about the number of qualified women and minority group members in the United States who are in the candidate pool? From abroad? In an appropriate regional pool? How many women or minority group members have received Ph.D. degrees from the Department itself in the last decade or two decades, and to what extent is this an index of the probable numbers of qualified persons who should be considered? What are the estimates of the degrees to be awarded in the years ahead to under-represented groups? Data of this kind are relevant in widening our perceptions of the total pool of candidates and in setting baselines for measuring how successfully a Department is pursuing excellence without overlooking significant categories of persons.

Data compiled by the Cohn Committee on the Status of Women Faculty will be most useful to Departments for this purpose. See Appendices IV and V of that report.

As data are developed and kept current about potential candidates, each Department will have a useful tool for assessing its past successes or failures in considering all candidates without regard to sex or group characteristics. The Department will also have a basis for projecting the probable profile of its future additions if equal opportunity policies are employed. What is sought is, first, sufficient self-awareness that a department overcomes any tendencies, however caused, to consider less than the broadest range of faculty prospects and, second, adequate processes so that others may see and understand that non-discriminatory practices have been followed.

b. *School.* In evaluation by a School of the processes of search utilized by a Department, the following aspects are relevant:

- (i) Is the Department adequately aware of the candidate pool?
- (ii) Is the search process systematic enough to bring to attention a broad range of qualified candidates?
- (iii) Does the process have any latent biases or habitual assumptions that exclude women or minority groups unintentionally?
- (iv) Are there superior methods of recruiting to be suggested? In particular, would advertisement in appropriate professional media be desirable?

Each Dean should select the most appropriate reviewing process at the School level. Substantial personal involvement by the Deans in this activity will underscore the purposefulness of the task. Reports of the evaluation process should be forwarded by the deans to the Provost's office by February 21, 1972.

c. *University.* Further consideration of the results of School actions will occur at the University level under the aegis of the Council of Academic Deans, who undertake collective responsibility to oversee the successful implementation of the equal opportunity program with respect to faculty additions.

2. *Appointment Process: assistant professor and above.*

a. Since last Spring, each proposal coming to the Provost's Staff Conference has carried a departmental certification that the nominee was selected after full consideration of all candidates including women and members of minority groups. No recorded action has been requested by school personnel committees or deans in this regard. The implementation of an equal opportunity program should be a pervasive responsibility of all agencies. The various committees and persons who pass upon faculty personnel actions should satisfy themselves that the search process has given full consideration to women and minority groups in the case at hand. One technique, to be considered by each Dean, is to require inclusion with any recommendation the names and qualifications of the women and minority candidates most qualified for the post, but not recommended.

b. The following proposals, emanating from the Cohn Committee on the Status of Women, should be endorsed and put into effect by each Dean:

(i) Each Department should be instructed to retain written records of data obtained concerning candidates considered, and of all applications and supplementary material received from applicants, whether successful or unsuccessful, for five years after a position has been filled.

(ii) Each Department should make generally available in written form its own specific criteria for promotion if such exist. Such criteria would supplement but not supersede University standards. Copies should be filed with the offices of the Dean and Provost.

(iii) Each Department should re-examine promptly the status of women already in the Department to determine whether or not deserved promotion has been overlooked.

## ATTACHMENT 6 CONTINUED

c. The University Council adopted a resolution on June 22, 1971 as follows: "That the Council reaffirm existing University policy that in all appointments, reappointment, and promotion decisions the best candidate should be chosen or promoted and that the same scholarly and professional standards shall be applied to men and women. Because of the present inequitable ratios of men to women on the faculty, particularly at the higher ranks, it is further resolved that when it is not possible to make a clear choice between a man and a woman on the basis of qualifications, special consideration shall, at this juncture, be given in favor of the woman. This policy is to be reviewed annually."

The principle of selecting nominees for appointment, where two or more candidates are equally qualified, to further the goals of equal opportunity is approved. It should be applied to increase the representation of women and members of minority groups. This principle of choice should be confined to circumstances where it is not possible to make a rational distinction in the qualifications of the persons under consideration. Each Dean should communicate this principle to Departments in the most appropriate manner.

d. Each School is encouraged to include women and members of minority groups on its personnel committee. Where a faculty does not have anyone qualified to serve from these groups, it may invite persons from other faculties in the University to be non-voting members of the committee. By so doing, it enhances the possibility that full consideration will be given to all candidates regardless of race or sex. Likewise each Department may utilize women and minority group members from its own ranks or from a cognate discipline in its decisional processes.

3. *Appointments below Assistant Professor.* A wide variety of faculty appointments exists below the rank of Assistant Professor. (Associate, Instructor, Lecturer, Assistant Instructor, Teaching Fellow, Research Assistant, Research Fellow, Research Investigator, Post-Doctoral Fellow, Senior Fellow, etc.) In some Schools, these are administered at School level; in others, the Departments are permitted almost complete latitude in these appointments. None of these are now processed through the Provost's Staff Conference, unless a special problem arises. Each School should analyse its own appointment processes at these levels and determine how to insure that equal employment principles are effectively implemented. *Reports of these analyses and programs should be prepared by March 6, 1972.* Further review of these reports should be conducted under the aegis of the Council of Academic Deans, again with the assistance of the University Academic Committee on Equal Opportunity.

4. *Nepotism policy.* Attention is called again to the revision of the policy concerning employment of more than one member of the same family, in Provost's Memorandum 7-71 dated May 24, 1971 which is attached.

5. *Recruiting women.* To enlarge the pool of women candidates considered for faculty appointments, a number of steps should be taken:

a. The University is seeking an appropriate faculty member to serve part-time as coordinator of efforts to improve the procedures of recruitment of women. The coordinator, working with formal and informal groups of interested persons, will suggest methods of search and will provide on occasion names of candidates to Departments and Schools.

b. In seeking candidates for junior faculty positions that begin the academic sequence, special consideration should be given to women who completed their educational qualifications some years ago and who might have been out of professional life altogether in the interim. Normally, Departments tend to seek people only in certain age brackets for appointment to Assistant Professor, but a broader age group should be considered in seeking women candidates.

c. For similar reasons, searches should include the ranks of persons not now on the tenure ladder at Pennsylvania and elsewhere. Among this group may be persons qualified for appointment as Assistant Professor, Associate Professor, or Professor.

d. In canvassing for candidates, Departments should not give consideration to the family situation of a qualified woman candidate. It should not be assumed that she will fail to come to Pennsylvania because of her husband's occupation. Decisions of this order should be left to the family unit itself.

6. *Recruiting minority group members.* To enlarge the pool of black candidates considered for faculty appointments, the new Director of the Afro-American Studies Program, John E. Wideman, and the Committee on Black Studies will aid Departments and Schools in seeking and recruiting qualified persons from minority backgrounds.

7. *University Academic Committee on Equal Opportunity.* A University-wide committee of academic personnel, appointed by the President from a panel of names submitted by the Senate Advisory Committee, will be set up as soon as possible to assist in implementing the policies of equal opportunity. Such a committee, its competence extended to women and minorities, would provide proposals to Departments or Schools on processes of recruiting and widening the goals of candidates. It would also evaluate the suitability of prevailing departmental practices. In so doing, it would rely on data provided by the Departments and Schools and on particular data obtained for this purpose by the Provost and Vice-President, who shall be responsible for protecting the minimal bounds of confidentiality necessary in sensitive personnel records. The Academic Committee on Equal Opportunity would not serve as a forum for adjudicating particular grievances. From time to time, the Committee will issue status reports on the success of our equal opportunity policies. It may make recommendations for improvements to the President and to the Council of Academic Deans.

## NEPOTISM POLICY

To: Deans, Directors and Department Chairmen  
From: Curtis R. Reitz, Provost and Vice-President  
Date: May 24, 1971  
Subject: Employment of More Than One Member of a Family

The following statement is current University of Pennsylvania policy on nepotism. It supersedes the statement Employment of More Than One Member of a Family "on pages 36 and 37" of the *Handbook for Faculty and Administration*.

University policy permits the employment of more than one member of a family (as husband, wife, son or daughter) whether or not the persons concerned are in the same academic or administrative department, when the members are appointed because of their recognized capabilities and qualifications.

However, no member of the same family shall participate in the decision to employ, promote, reappoint or terminate a member of his or her family. No individual should be in a position to pass on any vital matter, including salary determination, affecting a member of his or her family.

# ATTACHMENT 7

## FACULTY OF ARTS AND SCIENCES

### Statement of Compliance

University of Pennsylvania

Equal Opportunity Program

TO: The Provost's Staff Conference

RE: New Appointment

Department: \_\_\_\_\_

Name of Candidate: \_\_\_\_\_

Present rank: \_\_\_\_\_

Proposed rank: \_\_\_\_\_

DATE: \_\_\_\_\_

This recommendation is made in accordance with the following statement of University policy on equal opportunity:

Before any new or vacant faculty position may be filled, a full search must be made to generate the broadest and strongest possible candidate pool. The search must be conducted in such a manner as to be reasonably likely to bring the vacancy to the attention of qualified minority and female candidates, and to ensure the inclusion of such candidates in the candidate pool.

Each school and department should know the general proportion of women and members of minority groups within the national pool of candidates for particular academic positions, and should make diligent efforts to bring women and minority-group candidates into serious consideration for available positions. (Based on Provost's Memoranda #7-72, February 2, 1972, and #2-71, March 17, 1971.)

In all appointment, reappointment and promotion actions, the best candidate will be recommended. The same scholarly and professional standards are applicable to all candidates. When it is not possible to make a clear choice among candidates on the basis of qualifications, special consideration will be given, at this juncture, in favor of women and members of minority groups. (Based on Resolutions of University Council, June 22, 1971 and March 21, 1973.)

Both the University's Affirmative Action Plan and federal equal opportunity legislation require that the search process be carefully documented, and that the candidate pool generated be analyzed. The information requested on this form is needed to satisfy these requirements for documentation and analysis and also to provide a useful guide to departments for the conduct of a search.

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## II. SEARCH PROCESS

1. Where did you advertise (e.g. professional journals, caucus newsletter, newspapers, etc.)?
2. Submit advertisement(s).
3. Which professional minority and women's rosters did you consult?
4. Which universities did you contact? (Attach list).
5. Which department(s) within these universities did you contact?
6. Did you encourage these departments to submit the names of women and minority members?
7. Submit a sample letter used to make these contacts.
8. List the women and minority scholars whose help you have solicited in filling this position.

## III. ADDITIONAL COMMENTS

1. Please furnish information relevant to the department's efforts to increase minority and/or women appointments over the past two years (e.g. appointments made, offers made but declined; give names and rank of candidates).

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## SUMMARY OF DEPARTMENTAL ACTION FOR NEW APPOINTMENTS

### IN COMPLIANCE WITH AFFIRMATIVE ACTION

#### I. THE CANDIDATE POOL

1. List the positions expected to be filled by this particular search\*  
\_\_\_\_\_
2. Percentage of women \_\_\_\_\_ and members of minority groups \_\_\_\_\_ in the national candidate pool for this position.
3. General information
 

	Total	Blacks	Minorities	Women
(a) Total number of persons considered via applications, referrals, dossiers on file, etc.				
(b) Total number of candidates given "serious consideration."				
(i) Number of candidates for whom recommendations were solicited.				
(ii) Number of candidates that were invited for an interview.				
(c) Number of candidates in 3(b) who are of higher academic rank than the position offered.				
(d) Number of candidates in 3(b) who had previously been considered for an appointment.				
4. Submit the vita of the two best members of minority groups and the two best women considered for this position.

\*If positions are in different subfields, separate searches must be conducted.

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## CERTIFICATIONS OF COMPLIANCE

- a) Department chairman: This recommendation is made in compliance with the University's Affirmative Action Program.

(Signed) Chairman \_\_\_\_\_

Department \_\_\_\_\_

- b) School Affirmative Action Officer (check i or ii):

i. This recommendation appears to be in full compliance with the University's Affirmative Action Program. \_\_\_\_\_

ii. This recommendation appears not to be in full compliance with the University's Affirmative Action Program. \_\_\_\_\_

If (ii) is checked, please explain the deficiencies, e.g. limited search, serious consideration given to too few applicants.

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

(Signed) School Affirmative Action Officer \_\_\_\_\_

(Signed) Dean \_\_\_\_\_

NOTE: Minority groups refer to American Blacks, American Indians, American Orientals or Spanish-surnamed Americans, as stipulated by the U.S. Department of Labor.

NOTE: A similar but less detailed form is used for reappointments and promotions. Its introduction reads *For reappointment and promotions, it is not necessary to conduct a formal search, to advertise, or to interview other candidates. It is necessary, however, to demonstrate that full and fair consideration has been given to all minority and female candidates presently on the faculty who might properly also be considered at this time for reappointment and promotion.*



## ATTACHMENT 8

### UNIVERSITY OF PENNSYLVANIA PROVOST'S MEMORANDUM # 4-73

To: Deans and Department Chairmen  
From: Provost Eliot Stellar  
Date: December 20, 1973  
Subject: Use of Redevelopment Fund for Special Minority Faculty Appointments

As you may recall, the Report of the Development Commission recommended the use of centrally-administered funds to support up to one-half of the salary of Black faculty candidates who were in every way acceptable to, and wanted by, departments and schools, but for whom there was not a fully-funded departmental "vacancy," as such. We intend to implement this recommendation this year for possible appointments in the current or (more likely) the 1974-75 academic year. The following guidelines should be helpful in making use of this provision.

1. The provision is not intended to provide support for all Black faculty appointments. Rather, it is designed to provide an incentive to departments and schools to appoint Black scholar-teachers more readily than normally available openings would allow. The rationale behind this provision is that a substantial increase in the number of Black (and other minority) faculty will be exceedingly difficult given the relatively small number of regular new appointments and the increasing importance of making these regular appointments in precisely-defined areas of greatest academic priority. While we cannot (nor have we ever been asked to) compromise on the *quality* of academic appointments, we do not wish to let financial constraints alone diminish our success in recruitment of Black faculty. Thus, a Black scholar who turned out to be the best candidate for an already-budgeted position should *not* be expected to be supported by redevelopment funds; a Black demographer who might well turn out to be the best candidate *where a position in demography "open"* would, however, be an appropriate candidate for one-half support from redevelopment funds. The limitation of redevelopment funds to one-half salary is to assure that the appointment enjoys the degree of priority necessary to the full acceptance of the candidate by the department and the school.

2. Professor Robert Engs has been charged with the special responsibility of seeking promising Black scholars and assisting departments in both the search for, and evaluation of, such candidates.

3. The formal commitment of redevelopment funds for one-half of the salary of a particular candidate will be made by the Provost upon recommendation of the Committee on Black Faculty Recruitment, chaired by Dr. Engs (list below). This formal commitment should come *after* the completion of the appropriate personnel procedures at the departmental and/or school levels but before Provost Staff Conference Action. Prior to these formal personnel actions, however, Dr. Engs and his committee will be able to assess the probability of their support for the candidate and the attractiveness of the particular candidate relative to other potential claimants upon redevelopment funds. Simultaneously, the department chairman will negotiate with the dean for the commitment of the one-half salary support.

4. A faculty member appointed with the support of redevelopment funds need be budgeted for only one-half salary (and benefits) by the school. The remainder will be budgeted through the Office of the Provost up to the point of promotion to tenure, at which time a permanent and recurring increase will be made in the subvention of the school to cover the centrally-funded commitment.

#### Committee on Black Faculty Recruitment:

Dr. Robert F. Engs, Assistant Professor of History, *Chairman*  
Mr. William R. Adams, Assistant to the Provost  
Dr. Bernard E. Anderson, Assistant Professor of Industry  
Dr. Edward S. Cooper, Professor of Medicine  
Dr. Clement Cottingham, Assistant Professor of Political Science  
Dr. Renee C. Fox, Chairman of the Department of Sociology  
Dr. Arthur Humphrey, Dean of the College of Engineering & Applied Science  
Mr. Howard Lesnick, Professor of Law  
Dr. Alfred Mann, Professor of Physics  
Dr. John F. Szwed, Associate Professor of Folklore

## ATTACHMENT 9

ALMANAC October 16, 1973

### OF RECORD



### MINORITY RECRUITMENT

*Following is the text of a memorandum sent by the Provost on October 12, 1973, to all Deans, Directors and Department Chairmen.*

Dr. Robert F. Engs, Assistant Professor of History, has agreed to work with my office and with all Deans, Department Chairmen, and personnel committees on the recruitment of Black faculty as a part of our overall effort to increase the numbers of women and minority group members on the faculty of the University. A Faculty-Advisory Committee has also been appointed to assist Dr. Engs in his effort. Their names are appended.

Dr. Engs and his committee may be of assistance to you in several areas. They will be identifying a pool of Black candidates for consideration by various schools and departments. I urge you to call upon Dr. Engs as a part of your recruitment effort. He and his committee may be of help to you both in suggesting and in screening candidates and in encouraging candidates whom you have selected to join the University. Please call the attention of your various search committees to his effort.

In accordance with the Implementation Report issued last February, we have established the addition of Black and other minority faculty as a high-priority claim upon University development funds to support or supplement the salaries of Black candidates whom a department wishes to hire but cannot because of current budgetary restrictions. These funds are to be used only in situations in which no other regularly appropriated monies are available. Regularly occurring vacancies would not fall within this category. Requests for expenditure of these special funds should also be made through Dr. Engs for consideration by his office.

Dr. Engs and I will, during the next few months, be in touch with you to map out the ways in which he may best be of service. I ask your full cooperation in his efforts so that we can achieve a significant increase in the number of Black faculty at the University. As of October 15th, Dr. Engs' office will be 303 College Hall, Ext. 6114

—Eliot Stellar, Provost

#### The Committee:

William R. Adams, Assistant to the Provost  
Dr. Bernard E. Anderson, Assistant Professor of Industry  
Dr. Edward S. Cooper, Professor of Medicine  
Dr. Clement Cottingham, Assistant Professor of Political Science  
Dr. Renee C. Fox, Chairman and Professor of Sociology  
Dr. Arthur E. Humphrey, Dean of Engineering  
Howard Lesnick, Professor of Law  
Dr. Alfred K. Mann, Professor of Physics  
Dr. John F. Szwed, Associate Professor of Folklore

## OF RECORD



## FACULTY GRIEVANCE PROCEDURE

*Adopted by the Faculty Senate on April 17, 1974.*

*Adopted by the University Council on May 8, 1974.*

*Selection of the Grievance Commission now in progress.*

## I. APPLICABILITY

a. This grievance procedure shall be available to any member of the University faculty, whether tenured or untenured, whether fully or partially affiliated.

b. A grievance is a claim that action has been taken which affects the faculty member's personnel status or the terms or conditions of his/her employment and which is: (1) arbitrary and capricious; (2) discriminatory with regard to race, sex, creed or national origin; or (3) not in compliance with University procedures or regulations.

## II. GRIEVANCE COMMISSION: INQUIRY PANELS

a. There shall be selected by the Senate Advisory Committee at least sixteen persons from the University faculty to constitute a Grievance Commission. The Commission shall be broadly representative (including women, members of minority groups and partially affiliated faculty), but shall not include department chairpersons; deans and directors; associate, assistant or vice deans; or members of the central administration. In accepting appointment to the Commission each member shall commit himself/herself to maintain confidentiality with respect to oral and documentary evidence presented during the investigation of individual cases. Members shall serve three-year terms expiring June 30 which shall be so arranged that the terms of no more than two-fifths of the members shall expire simultaneously. Replacements shall be selected by the Senate Advisory Committee at least once a year as needed. Each year members of the Grievance Commission shall select from among themselves one person to chair the Commission.

b. When a grievance arises, in accordance with the procedures set forth below, an Inquiry Panel, consisting of three or five members, shall be constituted in the following manner. (1) The chairperson of the Grievance Commission shall ask the Provost to designate the person who shall act on behalf of the parties making the decision complained of. (2) The chairperson shall designate one member of the Grievance Commission to serve as chairperson of the Inquiry Panel. This designation shall be made in ~~alphabetical rotation~~, but a Commission member shall not be selected to sit on a Panel if he or she is in the same department as the grievant or, in a case involving termination at the end of the probationary period, is an untenured person from the grievant's school. In cases of unusual circumstances, the chairperson of the Commission shall have the discretion to decide, either on his or her own motion or following a request from any interested person, that it would be wiser to select two additional members of the Inquiry Panel from within the Grievance Commission; in such case the next two names in alphabetical rotation shall be chosen, but in such event the grievant and the representative of the parties making the decision complained of shall each be allowed one peremptory challenge to any of the three so named. The person or persons so designated to serve on the Panel may also be challenged for cause by the grievant or by the representative of the parties making the decision complained of; the challenge shall be addressed to the chairperson of the Commission, who shall rule on it after consultation with the panel member involved. All challenges must be made within five days of the receipt of notice of the name or names of the panel member or members. (3) The

grievant and the representative of the parties making the decision complained of shall each nominate not less than three additional persons from among those members of the University community eligible for selection to the Grievance Commission itself, and the chairperson of the Commission shall select one person from each of those groups of nominees to be members of the Inquiry Panel.

## III. PRELIMINARY PROCEDURES

a. Before filing a grievance with the Grievance Commission, the affected faculty member is encouraged to review the cause for grievance with his/her department chairperson, dean, and/or the University ombudsman. Consistent with the informal nature of the discussions at this stage, neither a written statement of the grievance nor a written answer thereto need be prepared.

b. Failing to receive satisfaction, or not willing to proceed informally, the prospective grievant may take steps to formalize the grievance. He/she shall inform his/her dean in writing of the nature of the grievance and of his/her intention to file a grievance with the Commission. Additional discussions will normally ensue, perhaps for several weeks. A prospective grievant, however, may after the expiration of one week from the date of written notification, request in writing a written statement from the dean of the reasons for the decision which is the subject of the faculty member's grievance. The dean's written statement should either be approved by the department chairperson, and the chairpersons of any departmental or school personnel panels which have reviewed the case or be accompanied by separate statements from those persons. The dean's and related written statements should be supplied to the prospective grievant within two weeks after receiving the written request for such statements from the affected faculty member.

c. The affected faculty member who is not satisfied with the outcome of the oral and written exchange with his/her dean may file a grievance with the Grievance Commission one week after the dean's and related written statements were due or received. Written notice of the grievance and request for a hearing are to be submitted to the Grievance Commission through its chairperson with a copy to the Provost. Where a prospective grievant has not filed a grievance with the Commission within ninety days of the date on which the dean sent the written statements of reasons, the dean may inquire in writing whether he/she intends to file a grievance. In such event, the grievance shall be treated as abandoned unless it is filed within thirty days of such inquiry.

d. Since grievances may be cumulative and the grievant may have been uncertain whether he or she has been aggrieved until additional observations are taken, several years may sometimes expire before the grievant is convinced or aware that cause exists to set the grievance machinery in motion. In consideration of this, the grievant may base his/her grievance on prior as well as current conditions. Since problems of assembling and assessing the relevant evidence become much more severe, however, when events go back more than three years, the grievance, where feasible, should be focused on recent or continuing events.

e. In the event it should appear to the chairperson of the Grievance Commission that the grievance is a matter of academic freedom, he/she shall refer the notice of grievance to the Senate Committee on Academic Freedom and Responsibility (Senate Committee), which shall promptly determine whether the grievance

\* Revised 10/30/74 to random order.



is in fact within the jurisdiction of the appropriate School Committee on Academic Freedom and Responsibility. In the event that a determination is required as to whether the grievant presently does or does not have tenure, the chairperson shall refer this issue to the Senate Committee for determination.

f. Upon receipt of notice of the grievance, the Grievance Commission shall appoint an Inquiry Panel to process the grievance. The Panel shall undertake a full examination of relevant evidence, to commence between two and four weeks from the date of filing of the grievance, unless the Senate Committee earlier determines that the grievance is in fact within the jurisdiction of the appropriate School Committee under Section IIIe. The Panel is encouraged, as its inquiry progresses, to effect an equitable settlement of the grievance through mediation.

#### IV. INQUIRY PROCEDURES

a. Both the grievant and the parties who made the decision which is the subject of the grievance shall be permitted to provide to the Panel oral and documentary evidence in support of their respective positions, to question adverse witnesses on any oral evidence given, and to examine and reply to any documentary evidence. Whenever feasible, evidence should be offered in person, by individuals having personal knowledge of the events in question, with any documentary evidence provided as a supplement to, rather than a substitute for, oral evidence.

b. The Panel shall have access to all documentary evidence relevant to the grievance that was available to the parties who made the decision. Such "parties who made the decision" might include any or all of the following: department chairpersons, department personnel committees, department members who decide on departmental recommendations for personnel action, the deans of the schools, the school personnel committees, the faculties of the school, the Provost, the Provost's Staff Conference. The Panel shall also be authorized to obtain additional documentary evidence and oral testimony on its own initiative such as the dossiers of other members of the same department who recently or currently are alleged to have received more favorable treatment, provided that notice is given to those members of the same department whose dossiers are to be examined by the Panel. The Inquiry Panel may invoke the aid of its own outside experts in making its decision.

c. Since the University and the faculty are concerned with obtaining frank and candid outside evaluations to aid in its appointment and promotion procedures, special care must be taken in the examination of letters of recommendation and evaluation. Because of these concerns (unless the parties making the decision stipulate, and the Panel agrees, that the outside evaluations played no significant role in the decision) the Panel should consider, separately, the following issues:

1) Did the department or other parties to the decision make a reasonable effort to obtain the views of experts not biased for or against the grievant? In answering this question, the Panel may let the grievant examine and testify on a list of names that includes but is not limited to people who make the assessments; the Panel may also compare the letters obtained at its behest with the original set.

2) Did the requests for the views ask for complete evaluations or did they imply that a confirmation of a preexisting judgment was desired? In answering this question, the Panel may examine any written requests for the views and may inquire of the letter writers. Other methods may be used at the Panel's discretion.

3) Are the views, weighted by the reputations of the experts, when compared with evaluations for others currently or recently promoted, affirmative enough to occasion concern that improper discrimination or other grounds for grievance may have been involved? In answering this question, the Panel shall inform the grievant and the parties that made the decision of its own evaluation of the views collected. If the Panel determines that there is insufficient basis to occasion concern on its part, the contents of the letters shall not be further disclosed. If the Panel believes that there is an occasion for concern, it shall determine whether any other evidence decisively supports the decision. If the Panel finds no such evidence which decisively supports the decision the letters relevant to the grievance will be subject to examination in the following way. If the grievant is accompanied by a University

colleague (as provided for in the next subsection) and such colleague agrees to be bound to maintain complete confidentiality with respect to all information contained therein, the colleague will be given access to the letters and may question witnesses about the contents of the letters. If the grievant does not choose to be accompanied by a University colleague, the letters shall not be disclosed; but the Panel shall provide to the grievant, to the greatest extent feasible, an indication of the tenor of the material in the letters so that he or she may make such response as is possible under the circumstances.

d. The grievant may be accompanied by a University colleague when appearing at Panel meetings, who may speak on behalf of the grievant.

e. Where procedures have not been specified in this document, the Grievance Commission shall establish rules of procedure for Inquiry Panels to follow. All decisions of Inquiry Panels shall be by majority vote unless the Grievance Commission establishes otherwise, with each member having one vote.

#### V. FINDINGS

a. Findings shall be based solely on evidence provided to the Panel according to the foregoing procedure. In all cases the Panel shall communicate its findings and recommendations to the chairperson of the Grievance Commission in a written report, setting forth, in detail appropriate to the case, the factual findings of the Panel, its conclusions regarding the merit of the grievance and its recommended disposition of the case. In cases involving reappointment, promotion, or tenure, where the Panel has found persuasive evidence of arbitrariness, discrimination, or noncompliance with University procedures or regulations, it shall recommend that the Provost request further review and reevaluation of the case, under proper standards and procedures. Neither the Inquiry Panel nor the Grievance Commission shall have the responsibility or authority to make such a reevaluation of professional competence. The Provost shall insure that the recommendations of, and, any letters obtained by the Inquiry Panel will be included in the documents to be considered in the reevaluation.

b. Except in extraordinary circumstances the Panel shall report its findings to the chairperson of the Grievance Commission within ten weeks of the filing of the complaint.

c. The chairperson of the Grievance Commission shall promptly communicate the report of the Panel's findings and recommendations both to the grievant and to the Provost.

d. While these recommendations are to be accorded great weight, they are advisory to the Provost and not binding upon him/her. The Provost shall notify, in writing, the chairperson of the Commission and the grievant of his/her decision. In the event the Provost declines to implement the recommendations, he/she shall communicate that decision to the chairperson of the Commission in writing, accompanied by his/her reasons, stated in detail. The Provost's decision shall be rendered within six weeks.

#### VI. HEARING BY SENATE COMMITTEE ON ACADEMIC FREEDOM AND RESPONSIBILITY

a. In cases which involve reappointment, promotion or tenure, and in which the Provost has declined or failed to implement the recommendations of the Inquiry Panel to the satisfaction of the grievant, the grievant may obtain a hearing before the Senate Committee on Academic Freedom and Responsibility (Senate Committee) on the actions of the Provost. The report and recommendations of the Inquiry Panel and the statement of the Provost shall then be made available to the Committee.

b. The Senate Committee shall adopt procedures consistent with Section IV (a) and (d), above, for the conduct of the hearing. The parties shall not be permitted to introduce evidence presented before the Inquiry Panel, and the findings of fact of the Inquiry Panel shall be accepted by the Senate Committee if they seem to have been fairly arrived at.

c. The Senate Committee shall promptly report its findings and recommendations to the President with copies to the Provost and the chairpersons of the Grievance Commission and the Inquiry Panel, and to the grievant and the person acting on behalf of the parties making the decision. A copy shall also be given to the editor of *Almanac*.



# *Almanac*

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